



WP(MD)No.9646 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.9646 of 2019
and
WMP(MD)No.7580 of 2019

G.Giridharan

.. Petitioner

v.

1.The General Manager,
Tamilnadu State Road Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2.The Branch Manager,
Tamilnadu State Road Transport Corporation
(Kumbakonam) Ltd.,
Thanjavur Town 2nd Depot,
Thanjavur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the first respondent in TNSTC/Legal/L2/16580/2018 dated 27.03.2019, quash the



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same and consequently, directing the respondents to transfer the petitioner to administrative side from technical side with all monetary and attendant benefits.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The petitioner, a Driver, met with an accident in the year 2010 and his left leg was amputated. He made a request for alternative appointment as per Section 20 of the Right of Persons with Disabilities Act, 2016. The same was considered by the respondents and the petitioner was posted as a Technical Assistant. Since one of his legs was amputated, the petitioner was not in a position to stand and discharge the duty. Therefore, he made a further request for posting him in the administrative side. It was also considered and by order dated 17.08.2016, he was posted in the administrative section, however, the nomenclature of his posting as Technical Assistant has not been changed. Apprehending that he would be posted again in the technical side, the petitioner has made a representation



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for changing the nomenclature of his posting. It was rejected and challenging the same, he has approached this Court.

2.Learned Counsel for the petitioner submitted that the petitioner has lost his leg only when he was discharging his duty towards the Corporation. The petitioner was provided with alternative appointment as a Technical Assistant. The alternative appointment provided to him was not conducive and on considering his difficulties, he was posted in the administrative side. However, even now, the nomenclature of the posting has not been changed. In the event if the nomenclature is not changed, then he may be reverted to the technical side at some point. Therefore, he prayed for appropriate orders.

3.Learned Standing Counsel for the respondents submitted that the petitioner is paid with the last salary, that he drawn as Driver. They have not reduced the salary and his salary has been protected, as provided under the Right of Persons with Disabilities Act. The petitioner was provided with administrative side works, even though he is termed as a



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Technical Assistant and that he would not be posted again in the technical work. There is no provision for changing the nomenclature of the posting. The apprehension of the petitioner that he will be reverted for technical posting is unwarranted.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.Since it is represented by the respondents Corporation that the petitioner's pay is protected and that he will not be reverted back to the post of technical assistant, recording the submission made by the learned Standing Counsel for the respondents, this writ petition is closed as no further order is required.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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