



W.P.(MD)No.12786 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12786 of 2024 &
W.M.P.(MD)No.11370 of 2024

T.Devakumaran

... Petitioner

vs.

The Management of
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rep. by its Managing Director,
Nagercoil.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to provide the petitioner a suitable permanent alternative employment with pay protection, continuity of service and all other attendant benefits and wages from 30.03.2023 in accordance with Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Jebaraj
Standing Counsel



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ORDER

Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.D.Jebaraj, learned Standing Counsel appearing for the respondent.

2. The petitioner, who worked as a Conductor in the respondent Corporation has filed this petition seeking to direct the respondent to provide him a suitable permanent alternative employment with pay protection, continuity of service and all other attendant benefits and wages from 30.03.2023 in accordance with Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

3. The petitioner has been given with a Medical Certificate by the Medical Board stating that he is not fit to continue as a Conductor. Thereafter, the petitioner has made a request to the respondent on 23.01.2024 to provide him any alternate employment. The petitioner's representation has not been considered so far and now, he is out of service. Hence, he has come up with this petition.



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4. The Medical Board itself has given a Certificate stating that the petitioner is not fit to continue as a Conductor. In such case, the respondent ought to have considered the request of the petitioner seeking alternate employment and passed a suitable order. In view of the inaction on the part of the respondent, I feel that appropriate direction to be given in this regard.

5. In the result, the writ petition is **disposed of** and the respondent Corporation is directed to consider the representation of the petitioner dated 23.01.2024 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

14.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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