



W.P.(MD)No.24893 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.24893 of 2023

A.Herold Robinson

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Kumbakonam Division),
New Railway Station Road,
Kumbakonam.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 21.09.2023 providing the petitioner alternative permanent employment during day shift with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participations) Act, 1995 and pay the arrears of salary from 01.09.2023 to till the date of providing



W.P.(MD)No.24893 of 2023

permanent alternative employment.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.K.Jagadeesh Balan
Standing Counsel

ORDER

Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner and Mr.K.Jagadeesh Balan, learned Standing Counsel for the respondent.

2. The petitioner has filed this petition seeking Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 21.09.2023 providing the petitioner alternative permanent employment during day shift with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participations) Act, 1995 and pay the arrears of salary from 01.09.2023 to till the date of providing permanent alternative employment.



W.P.(MD)No.24893 of 2023

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3. The petitioner was inducted as a driver in Tamil Nadu State Transport Corporation on 23.10.2012 in Thanjavur Town Branch-I, Kumbakonam Division. During the course of employment, the petitioner met with an accident and he is found to be unfit for driving. In view of the same, the petitioner was given with alternate employment as Mechanic Helper as light duty in permanent nature.

5. Mr.G.M.Xavier, learned counsel appearing for the petitioner submitted that because of his health condition, the petitioner have to sleep at least 5 hours at night. But due to his work, he has to work at night hours also though he is taking treatment for his health condition. In this regard, the Medical College, Thanjavur provided a Disability Certificate dated 11.03.2023 and advised to avoid night duty.

6. Therefore, the petitioner has made a request to the respondent on 21.09.2023 to re-consider and post him in the post suiting to his medical condition. The petitioner's representation has not been considered so far. Hence, he has come up with this petition.



W.P.(MD)No.24893 of 2023

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7. The Medical Board itself has given a Certificate stating that the petitioner has to avoid night duty. 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.

8. In the result, the writ petition is **disposed of** and the respondent Corporation is directed to consider the representation of the petitioner dated 21.09.2023 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

02.07.2024

NCC: Yes/No
Index : Yes/No
PJJ



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W.P.(MD)No.24893 of 2023

R.N.MANJULA, J.

PJL

W.P.(MD)No.24893 of 2023

02.07.2024