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W.A.No.2147 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER**

**W.A.No.2147 of 2025
and
C.M.P.No.16255 of 2025**

The State Express Transport Corporation Ltd.,
Rep. by its General Manager,
No.2, Pallavan Salai,
Chennai – 600 002.

... Appellant

Vs.

1.M.Kanagaraj

2.The State Express Transport Corporation Ltd.,
Rep. by its Assistant Manager (W&A),
Chennai – 600 002.

3.The Branch Manager,
The State Express Transport Corporation Ltd.,
Coimbatroe.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow this Writ Appeal by setting aside the order passed in W.P.No.17899 of 2012 dated 08.02.2024.



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For Appellant : Mr.S.S.Santhosakumar

For Respondents : Mr.M.Muthappan

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

We see no merit in this Writ Appeal. The 1st respondent who was appointed as a Conductor suffered a medical invalidation and was unable to work as a Conductor. Despite his repeated requests, he was not given an alternative job. Finally the employee was forced to resign and he submitted his request for resignation on 11.06.2009 and re-affirmed it on 02.08.2011. Despite the same, no orders were passed. Subsequently, the employee was allowed to retire with effect from 10.02.2012, by the proceedings of the General Manager dated 01.02.2012. When the employee sought for his retiral benefits and arrears of salary, the same was rejected by order dated 28.04.2012. This order was put in issue in the Writ Petition.

2. The learned Single Judge taking note of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 held that denial of salary and retiral benefits is not



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in tune with the provisions of the Act, which require the employer to accommodate the workman, who suffers disability in any other post or even create a supernumerary post, if the workman could not be accommodated in any other post. Though the employee had made a request for resignation in the year 2009, his request was not accepted and finally he was allowed to retire only from 10.02.2012. There is no explanation for the delay in accepting the resignation.

3. Though the learned counsel for the Corporation would contend that the respondent was not regular and he was attending duty only periodically, we do not find any material to support the said contention. Admittedly, in the year 2008, the Medical Board has found that the 1st respondent was unfit to discharge duty as a Conductor. Immediately the Authority should have acted to allow him to do lighter work in terms of Section 47 of the Act of 1995.

4. All that the learned Single Judge had done is only to direct payment of salary for the period between 10.08.2008 and 10.02.2012. Since



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the workman had rendered service for more than the qualifying period, he would also be entitled to pension. The provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 are mandatory in nature. No estoppel can be pleaded against the statutory provision. Hence, we are unable to fault the learned Single Judge for having allowed the Writ Petition and directed payment of salary for a limited period.

5. Therefore, the Writ Appeal fails and it is accordingly dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.S.,J.)
11.07.2025

dsa

Index : No

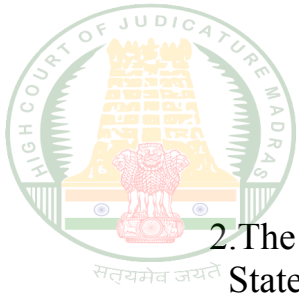
Neutral Citation : No

Speaking order

To

1.The General Manager,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai – 600 002.

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2.The Assistant Manager (W&A),
State Express Transport Corporation Ltd.,
Chennai – 600 002.

3.The Branch Manager,
The State Express Transport Corporation Ltd.,
Coimbatroe.



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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

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