

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

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THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 6006 of 2025

T.Anbazagan
S/o.Thangavel

Petitioner

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137 Salamedu, Valudhareddy Post,
Villupuram 605602.

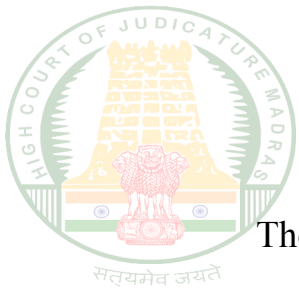
2.The General Manager
Tamil Nadu State Transport
Corporation (villupuram) Ltd.,
Vellore Regional Office,
Rangapuram, Vellore 632009.

Respondents

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to provide any alternate job to the petitioner with the pay protection and service benefits and also to pay wages from the date of denial of duty that is 11.09.2023 to till rejoining as per the provisions of the Rights of Persons with Disabilities Act, 2016.

For Petitioner(s): N.Ishak
K.Syed Meeran

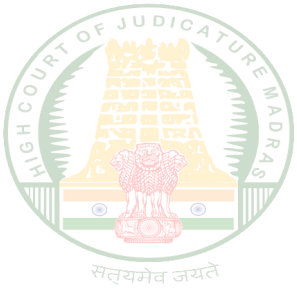
For Respondent(s): M/s. A. Vinothraj
Standing Counsel.

**ORDER**

The writ petition has been filed in the nature of Mandamus directing the respondents to provide any alternate job to the petitioner with pay protection and service benefits from the date of denial of duty (11.09.2023) till the date of rejoining. Petitioner places reliance on the provisions of the Rights of Persons with Disabilities Act, 2016.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner who was working was Driver, at Ambur Branch under the respondents, suffered an accident on 18.12.2020 while driving a motor cycle and the injuries caused was a fracture of Tibia bone in the right leg. He also suffered injuries all over the body. Petitioner became unconscious and was admitted in Tirupathur Government Hospital and he was then transferred to Ganga Hospital, Coimbatore. These injuries have now made it impossible for him to function as a Driver. The petitioner could not therefore discharge that particular duty on and from 11.09.2023.

3. The writ petition had been filed seeking an alternate employment. On 27.02.2025, this Court had passed the following order:



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The petitioner may report before the second respondent for duty and the second respondent may allot a post commensurate to the capability of the petitioner and permit him to join duty.

2.The petitioner may report duty on 03.03.2025 and the second respondent may pass orders permitting the petitioner to join duty on the same day.

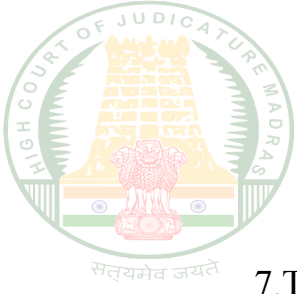
4.It is now contended by the learned counsel for the petitioner that the petitioner had been allotted an alternate post and had also joined duty on 03.03.2025. The respondents had also permitted the petitioner to join the duty.

5.The petitioner is naturally protected under the provisions of the Rights of Persons with Disabilities Act, 2016, which specifically provides that no employee should be discriminated or prejudiced only because of the disability he suffered either at the time of the employment or during the course of employment. The petitioner had suffered the injury and the injury he suffered



was when he was driving his motor cycle. The petitioner cannot be expected to perform the work of a Driver, particularly, with a fracture of Tibia bone in the right leg. The respondents have, with due appreciation, provided an alternate employment. There is a further responsibility cast on the respondents that they should recognise that the petitioner was not able to work and join as a Driver only owing to the accident. Therefore, since the employer and employee relationship continues from the date of initial appointment till this date without any break, they are also obliged to pay salary to him from the date of denial of duty till the date of rejoining.

6.A direction is given to the respondents that on and from 11.09.2023, the petitioner should have deemed to be in continuous service and the respondents should pay necessary salary, which he was entitled on and from 11.09.2023. The period in which he was on leave is to be treated as on duty and the petitioner should not be denied with any service or monetary benefits. Necessary orders relating to payment of salary must be issued within a period of three weeks from the date of receipt of a copy of this order.



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7.The writ petition stands allowed. No Costs.

07-04-2025

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Index: Yes/No

Speaking/Non-speaking order

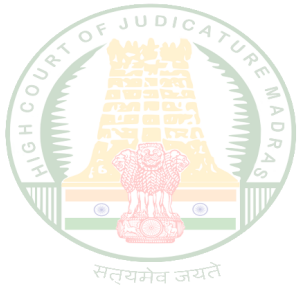
Internet: Yes

Neutral Citation: Yes/No

To

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Tamil Nadu State Transport
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