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W.P.No.32179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32179 of 2025

M.Sivakumar

...Petitioner

Vs.

1.The Principal Secretary to the Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai - 606 604.

3.The Revenue Divisional Officer,
Annasalai,
Thiruvannamalai - 606 601



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4. The District Revenue Officer

Vengikkal,

Tiruvannamalai - 606 604.

5. The Tahsildar,

Thiruvannamalai Taluk,

Thiruvannamalai - 606 601.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to reinstate the petitioner in a suitable lighter post with continuity of service and service benefits, and direct the respondents to pay the salary from 31.12.2019 onwards to till date resulting in non-payment of dues for a continuous period of approximately 37 months to the petitioner.

For Petitioner : Mr. R.Venkatesan

For Respondents : Mr. G.Nanmaran
Special Government Pleader.

ORDER



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The Writ Petition is filed for the following relief:

“directing the respondents to reinstate the petitioner in a suitable lighter post with continuity of service and service benefits, and direct the respondents to pay the salary from 31.12.2019 onwards to till date resulting in non-payment of dues for a continuous period of approximately 37 months to the petitioner”.

2. The petitioner seeks a direction to the respondents to reinstate him in a suitable lighter post with continuity of service and service benefits and direct the respondents to pay salary from 31.12.2019 onwards to date on account of the non payment of dues for over 37 months to the petitioner. The brief facts are as follows.

3. The petitioner was appointed as a VAO on compassionate grounds as his father who was serving as Village Assistant had passed away while in service on 11.12.2011. He was granted compassionate



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appointment on 06.01.2012 and had joined the service on 01.03.2014.

The petitioner has been discharging his duties sincerely and diligently.

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4. On 29.11.2019 while on duty he was subjected to acid attack resulting in complete and permanent loss of eyesight and serious multiple injuries and FIR was registered and the case is pending before the Special Court for SC / ST (Prevention of Atrocities).

5. On account of grievous injuries sustained by him the petitioner was declared medically unfit by the Medical Board of the respondent department and was formally relieved from duty on 31.03.2021. However, post 31.12.2019 he was not paid any salary for over 37 months.

6. The petitioner would submit that this has pushed the family practically to penury. His wife though a graduate remains unemployed and is occupied in care giving responsibilities. The petitioner sent a representations dated 14.02.2023, 27.03.2023 and as recently as on



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11.04.2025 requesting the respondents to consider him for lighter duty within the department in view of his disability.

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7. He had also, in the alternative requested for compassionate appointment to his wife or the release of his terminal benefits including PF, Gratuity and pensionary entitlements. The petitioner would submit that there has been no response to his applications by the respondents and the silence has caused great distress to him. The State which is model employer has failed to come to the rescue of the acid attack victim. Therefore, since there has been no response to his request the petitioner has come forward with the above Writ Petition.

8. The learned counsel for the petitioner would submit that as per Section 20 of the Right of Persons with Disability Act, 2016 no Government establishment should discriminate against any person with disability in any matter relating to employment. Section 20 (4) states that if any employee cannot be adjusted in any post then he must be kept in a supernumerary post till suitable post is available or till he



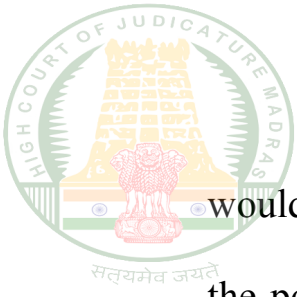
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attains the age of superannuation, whichever is earlier.

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9. He would draw the attention of the Court to the Judgement of this Court in ***WP.MD.No.26560 of 2024 – Ganesan Vs. The Commandant, Tamil Nadu Special Police force, Virudhunagar***, which is the case where the petitioner had suffered an accident as a result of which he had sustained injuries to his head and eyes and his eye sight being very poor he was not in a position to continue his regular duties as Police Officer. The petitioner was a Police Constable. The learned Judge relying on the proviso to Section 20 (4) of the Act had directed the respondents to reinstate the petitioner into service with continuity of service with pay protection and to continue to provide alternative light duty. The learned counsel would submit that the petitioner is also entitled to the same benefits.

10. Per contra, Mr. G.Nanmaran, Special Government Pleader

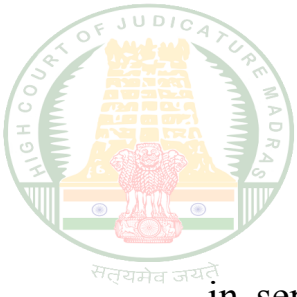


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would submit that the petitioner has been declared as totally unfit for the post. He would further submit that the injury is not related to the petitioner's service as VAO.

11. Heard the learned counsels on the either side and perused the records.

12. The arguments of the Special Government Pleader cannot be countenanced in as much as Section 20 of the Act, does not state that the disability should have occurred while in service. The language of Section 20 (1) of the Act is that the Government should not discriminate against any person with disability. Section 20 (4) goes on to state that the Government shall not dispense with or reduce a rank of employee who acquires his disability during his or her service.

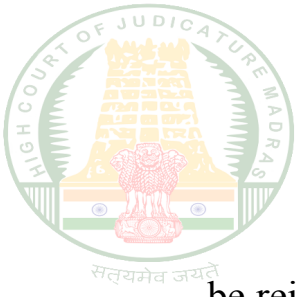


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13. Admittedly, the petitioner sustained acid attack while he was in service. It is the contention of the petitioner that the attack was related to discharge of his duty. Therefore, the petitioner is entitled to the benefits of Section 20 of the Act.

14. The learned Judge of the Madurai Bench of this Court also considered the provisions of Section 20 (4) and passed orders directing reinstatement with continuity of service and pay protection and to provide alternate light duty. The second proviso to Section 20 (4) provides that where there was no post available to fit in the employee who had sustained injury, he must be placed in supernumerary post till such time a suitable post is available or he attains superannuation.

15. The petitioner had in fact sought for compassionate appointment for his wife or for payment on his terminal benefits. The respondents did not respond to any of these requests.



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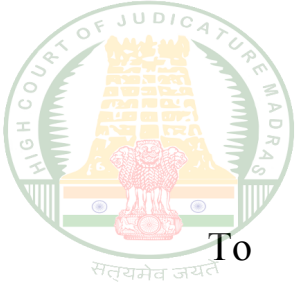
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16. Therefore, the Writ Petition is allowed. The petitioner shall be reinstated in the service. In case there is no post available as of now he shall be posted in a supernumerary post till such time as the post is created or till he attains superannuation. The respondents shall also pay the arrears of salary, within a period of 1 month from the date of receipt of a copy of this order and continue to pay him his salary. No costs.

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Index : Yes/No
Internet : Yes/No

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