



W.P.NO.34630 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.34630 OF 2024

K.Ashok Kumar

... Petitioner

VS.

1.The Secretary of State
Transport Department
St. George Fort,
Secretariat, Chennai – 600 009.

2.The Managing Director
Tamilnadu State Transport Corporation
Division – III, Kancheepuram,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to dispose the representation dated 03.01.2019 and provide alternative job instead of Bus Conductor as per the Rights of Persons with Disability Rules, 2017 suitable to him within a stipulated period.

For Petitioner : Mr.T.G.Balachandran

For Respondent-1 : Mr.V.Nanmaran
Additional Government Pleader

ORDER



W.P.NO.34630 OF 2024

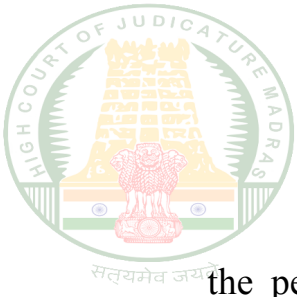
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This writ petition has been filed in the nature of a Mandamus, seeking a direction against the respondents to dispose of the petitioner's representation dated 03.01.2019 and provide alternative job instead of posting him as Bus Conductor. The petitioner placed his reliance on the provisions of the Rights of the Persons with Disabilities Rules, 2017.

2.In the affidavit filed in support of the writ petition, it has been contended that the petitioner was working as a Conductor under the second respondent. On 11.09.2013, while discharging his duties as a Conductor in the Bus bearing Registration No. TN21-N-1509, which was proceeding from Trichy to Chennai, a collision occurred with a tipper lorry. As a result, some of the passengers and the petitioner suffered both grievous and simple injuries. The petitioner sustained the following injuries:

- '1.Segmental fracture of shaft of femur (R)*
- 2.V metatarsal fracture with ankle (L)*
- 3.Segmental fracture of left fibula*
- 4.Left foot crush injury of ankle and 5th toe amputation*
- 5.Multiple injuries all over the body'*

3.The petitioner underwent at least four surgeries and continued to receive treatment at the hospital. At the time of the accident,



W.P.NO.34630 OF 2024

WEB COPY

the petitioner was earning a monthly salary of Rs.9,000/- with a day salary of Rs.300/-. He was unable to resume his duties until June 2015. However, he was confirmed as a permanent employee in December 2017, and his daily wage was increased to Rs. 426/-. Due to his condition, he was unable to perform his duties as a conductor. Therefore, he has requested that alternative suitable employment be provided to him.

4.In the counter, the fact that the petitioner suffered grievous injuries has been admitted and the assessment provided by the Medical Board is as follows:

'Individual accessed by PMR specialist. He is opined to have past traumatic sequel – both from limbs, PHC – 60% disability.'

5.It is therefore stated that the petitioner must be given a reassignment and the same is pending review by the State Transport Union Board, awaiting further approval.

6.A direction is issued to the respondents to place the petitioner in an alternative position, as he can no longer function as a Conductor. The alternative work should be provided to the petitioner,



W.P.NO.34630 OF 2024

WEB COPY

taking into account the injuries he has suffered. His pay must also be protected. The said reassignment should be granted within four weeks from the date of receipt of a copy of this order.

7.The petitioner is protected under the provisions of the Rights of Persons with Disabilities Act, 2016, which imposes an obligation on the employer to provide alternative employment to any employee who suffers injuries during the course of employment.

8.With the above observation and direction, the writ petition stands allowed. No costs.

04.04.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

1.The Secretary of State
Transport Department
St. George Fort,
Secretariat, Chennai – 600 009.

4/6



W.P.NO.34630 OF 2024

WEB COPY

2. The Managing Director
Tamilnadu State Transport Corporation
Division – III, Kancheepuram,
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W.P.NO.34630 OF 2024

C.V.KARTHIKEYAN, J.

TK

W.P.NO.34630 OF 2024

04.04.2025