



W.P.(MD).Nos.2842, 14092 of 2019 and 617 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).Nos.2842, 14092 of 2019 and 617 of 2020

and

W.M.P.(MD).Nos.2151, 2152, 10569, 10570 of 2019 and 452 of 2020

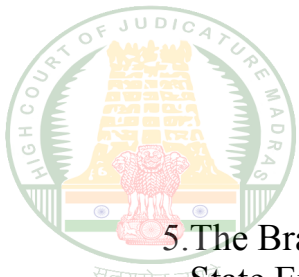
W.P.(MD).No.2842 of 2019

C.Babu Rajan

... Petitioner

Vs.

- 1.The Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai - 2.
- 3.The General Manager (Administration),
State Express Transport Corporation,
Pallavan Street,
Chennai - 600 002.
- 4.Ponmudi,
The General Manager (Administration),
State Express Transport Corporation,
Pallavan Street,
Chennai - 600 002.



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5. The Branch Manager,
State Express Transport Corporation Limited,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Memorandum No.055698/Ma.Va.3/SETCTN/2016, dated 24.12.2018 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the respondents to permit the petitioner/a person with disability to continue in the same cadre of Selection Grade Senior Conductor with the same Staff Number of 30006 in any sanctioned light duty post like Time Keeper in Thiruvananthapuram or Marthandam or Controller in Control Section within the time stipulated by this Court.

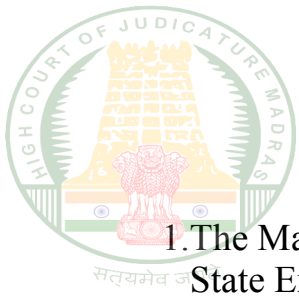
For Petitioner	: Mr.S.Louis
For R-1	: Mr.N.Satheesh Kumar Additional Government Pleader
For R-2 to R-4	: Mr.S.C.Herold Singh Standing Counsel
For R-5	: Mr.K.Sathiya Singh Standing Counsel

W.P.(MD).No.14092 of 2019

C.Babu Rajan

... Petitioner

Vs.



W.P.(MD).Nos.2842, 14092 of 2019 and 617 of 2020

1. The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai - 2.
2. The General Manager (O & A),
State Express Transport Corporation,
Pallavan Street,
Chennai - 600 002.
3. The Branch Manager,
State Express Transport Corporation Limited,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Circular No.00141/HR3/SETC/2014, dated 10.06.2019 on the file of the respondent No.1 and quash the same as illegal and consequently to direct the respondent No.1 to include the name of the petitioner in the panel of Senior Secondary Grade Conductor for promotion to the post of Checking Inspector within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.K.Sathiya Singh
Standing Counsel

W.P.(MD).No.617 of 2020

C.Babu Rajan

... Petitioner

Vs.



W.P.(MD).Nos.2842, 14092 of 2019 and 617 of 2020

1. The Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai - 2.
3. K. Elangovan,
The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai - 2.
4. The General Manager (Administration),
State Express Transport Corporation,
Pallavan Street, Chennai - 600 002.
5. The Branch Manager,
State Express Transport Corporation Limited,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari Mandamus, to call for the records pertaining to the impugned order in No.055698/HR3/SETCTN/2016, dated 17.12.2019 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents to post the petitioner/a person with disability in any light duty post which is equivalent to the present position of the petitioner (Selection Grade Senior Conductor, EDP No.30006 Kanyakumari Depot) within the time stipulated by this Court.



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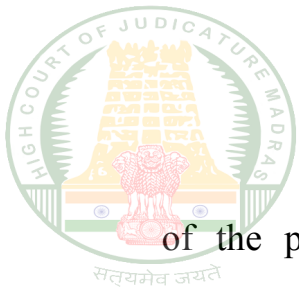
For Petitioner : Mr.S.Louis
For R-1 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-2 to R-5 : Mr.K.Sathiya Singh
Standing Counsel

COMMON ORDER

All three Writ Petitions are filed by the same petitioner, namely, C.Babu Rajan for the following reliefs:

(i) W.P.(MD).No.2842 of 2019 is filed challenging the impugned order in Memorandum No.055698/Ma.Va.3/SETCTN/2016, dated 24.12.2018 on the file of the second respondent and consequently, to direct the respondents to permit the petitioner/a person with disability to continue in the same cadre of Selection Grade Senior Conductor with the same Staff Number of 30006 in any sanctioned light duty post like Time Keeper in Thiruvananthapuram or Marthandam or Controller in Control Section within the time stipulated by this Court.

(ii) W.P.(MD).No.14092 of 2019 is filed challenging the impugned order in Circular No.00141/HR3/SETC/2014, dated 10.06.2019 on the file of the first respondent and consequently, to direct the first respondent to include the name

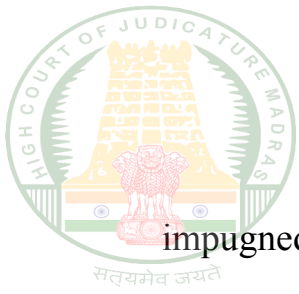


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of the petitioner in the panel of Senior Secondary Grade Conductor for promotion to the post of Checking Inspector within the time stipulated by this Court.

(iii) W.P.(MD).No.617 of 2020 is filed challenging the impugned order in No.055698/HR3/SETCTN/2016, dated 17.12.2019 on the file of the second respondent and consequently, to direct the respondents to post the petitioner/a person with disability in any light duty post which is equivalent to the present position of the petitioner(Selection Grade Senior Conductor, EDP No.30006 Kanyakumari Depot) within the time stipulated by this Court.

2. The petitioner was working under the second respondent as a Conductor. He had subsequently suffered a disability and eligible to get benefits under the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'Act'). Accordingly, he approached the authorities seeking for suitable work based on his disability. By way of impugned order dated 24.12.2018, he was asked to attend work of maintaining the time schedule of the buses commuting from Kanyakumari Bus Stand. He was also asked to appear before the Branch Manager and to carry out the above work. The petitioner has not joined the said post and approached this Court in W.P.(MD).No.2842 of 2019 to quash the



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impugned order dated 24.12.2018 on the ground that same has not specifically stated the post in which he was accommodated.

3. According to the petitioner, under Section 20(4) of the Act, he could be posted only in a specific post and he could not be directed to report before the Branch Manager and he cannot attend any work as directed by the Branch Manager in the absence of any specific post. He has also stated that the Branch Manager is having some inimical attitude with the petitioner and directing him to report before the Branch Manager and to attend the work, which is not having any sanctioned post, is not proper and thereby, the impugned order is liable to be set aside. The petitioner states that he shall be given a specific post, which is equivalent to the post, he was in employment at the relevant point of time.

4. Subsequently, though the petitioner had not joined duty as per the aforesaid order dated 24.12.2018, based on the order passed by this Court in W.P.(MD).No.4342 of 2018 dated 16.10.2019, yet another order was passed by the second respondent/Managing Director on 17.12.2019, directing the petitioner to work in the Cash and Ticket Section of Kanyakumari Depot. This order is also challenged by the petitioner in W.P.(MD).No.617 of 2020.



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5. In the meantime, the petitioner has also filed yet another Writ Petition in W.P.(MD).No.14092 of 2019, challenging the promotion panel to the post of Checking Inspector and consequential relief of promotion to the said post.

6. Since all the Writ Petitions are interconnected, the same are taken up together for disposal.

7. The learned counsel for the petitioner submits that every year, the respondents were passing a similar order impugned in W.P.(MD).No.2842 of 2019 till the year 2022 and all those orders were challenged by the petitioner by way of separate Writ Petitions, such as W.P.(MD).No.9163 of 2020, 919 of 2021 and 13566 of 2022. The aforesaid three Writ Petitions were taken up together and this Court, vide common order dated 24.02.2023, has held that the manner in which the petitioner was directed to attend the work is not proper and the respondents have to mention the name of the post giving pay protection on par with the Selection Grade Senior Conductor in the very same batch number and the Writ Petitions were disposed of with the above observations. In the meantime, the petitioner has also attained superannuation. It is submitted that now, the period when the petitioner had not worked shall be covered by the



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benefits, though he has not worked for the said period, since the impugned orders were passed in violation of Section 20(4) of the Act and also, as observed by this Court in the common order in W.P.(MD).Nos.9163 of 2020, 919 of 2021 and 13566 of 2022 dated 24.02.2023.

8. The learned Standing Counsel for the respondent/Transport Corporation submits that originally, the petitioner was selected in the quota of physically disabled persons and subsequently, he suffered an accident. Though as per Section 20(4) of the Rights of Persons with Disabilities Act, he was not reduced into any rank and also, by considering the object behind that Section, only a light duty was assigned to him. He has not shown any interest to continue the light work and continuously approached this Court by filing several Writ Petitions challenging the orders passed in his favour, that too, when the orders were in full compliance with Section 20(4) of the Act. The learned Standing Counsel further submits that right now after superannuation, the petitioner was given all the service benefits except for the period when he was absent from work and sought for dismissal of the Writ Petitions.

9. I have considered the submissions made on both sides and perused the materials available on record.



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10. A perusal of the order dated 24.12.2018 impugned in W.P.(MD).No. 2842 of 2019, shows that the petitioner was directed to attend Time Keeper work at Kanyakumari Bus Stand. This order does not state anything about his designation or as to what post, he has been accommodated. Though in the order, it has been stated that the Transport Corporation has decided to maintain the time schedule for all the buses coming to the Kanyakumari Bus Stand, it has not stated anything about the work nature of the petitioner and he has been directed to report before the Branch Manager. Hence, this order is not in consonance with the object behind Section 20(4) of the Act. The same view is already taken by this Court in the earlier order in W.P.(MD).Nos.9163 of 2020, 919 of 2021 and 13566 of 2022 dated 20.04.2023. Hence, I am of the view that the impugned order dated 24.12.2018 has not complied with Section 20(4) of the Act in true letter and spirit.

11. As regards the impugned order in W.P.(MD).No.617 of 2020, on careful perusal of the same, it shows that the petitioner has been given with all the particulars as demanded by him as per earlier order passed by this Court in W.P.(MD).No.4342 of 2018 dated 16.10.2019. The petitioner has been extended with all benefits and it is also specifically stated in the order that he shall work



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in Cash and Ticket Section at Kanyakumari Depot, which is equivalent to the

post of Secondary Grade Senior Conductor. The relevant portion of the order

dated 17.12.2019 reads as follows:

“As per the directions of the Hon'ble Madurai bench of Madras High Court, the previous designation SG.Sr Conductor and EDP No.30006 has been restored subject to the outcome of orders in original writ petition to Thiru.C.Baburajan who was provided with “Alternate Job” as Helper (Non ITI) with EDP No.HC00052 vide reference 1st cited.

The Original Writ Petition was disposed on 16.10.2019 by the Hon'ble Madurai Bench of Madras High Court as follows:

"When an alternative employment is provided, it must be approximately equal to the post holding by the said person".

As per the above directions of Hon'ble Madurai Bench of Madras High Court, Thiru.C.Baburajan, SG.Sr.Conductor, EDP No.30006, is posted to Cash & Ticket Section at Kanyakumari Depot which is equivalent to the post of SG.Sr.Conductor which is handled by a staff in the Junior Assistant /Senior Assistant Cadre, who is drawing approximately equivalent scale of pay (18,000-1,00,500) to the post of Selection Grade Senior Conductor.

The Branch Manager, Kanyakumari Depot is requested to permit the above individual to work in the Cash & Ticket section



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which is an equivalent post of a conductor at Kanyakumari Depot and inform the date of joining to the undersigned without fail.”

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12. In the above order, it is very specific about the work nature and the equivalent post has also been mentioned. It is also the case of the respondents that there is no post available at the time of accommodating the petitioner while directing him to work in Cash and Ticket Section. However, it has been clarified in the order that he is posted in the Cash and Ticket Section, which is a lesser work and also the nature of work to be carried out. I am of the opinion that it satisfies the provisions of Section 20(4) of the Act and that the petitioner must have attended the work as per the order dated 17.12.2019. This order could not be faulted and it is also stated before this Court that the petitioner has not obeyed this order. In view of the same, the petitioner is not entitled to claim any benefits for this period. However, considering the fact that he has already superannuated, the respondents may consider the possibility of regularizing his absence by adjusting with leave or by any special reasons.

13. W.P.(MD).No.14092 of 2019 is concerned with the challenge of the promotion panel of Checking Inspector for the year 2019. It is also stated that already the petitioner has preferred another Writ Petition for promotion and it is a subject matter of Writ Appeal. Now, the petitioner superannuated and already,



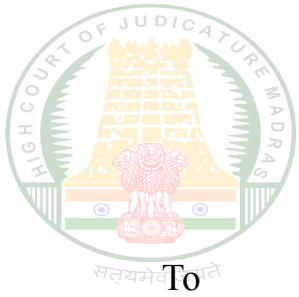
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there are separate orders passed on 24.02.2023 to consider the case of the petitioner, to consider whether he is suitable for promotion and the same is pending consideration. Hence, I am not inclined to pass any order in this Writ Petition, i.e., W.P.(MD).No.14092 of 2019. Accordingly, W.P.(MD).No.14092 of 2019 stands dismissed.

14. In the result, W.P.(MD).No.2842 of 2019 is disposed of with a direction that the respondents shall extend all the benefits for the period covered under this Writ Petition and by treating the same as duty period, i.e., from 24.12.2018 to 17.12.2019. W.P.(MD).No.617 of 2020 is disposed of with a direction to the respondents to consider the possibility of regularizing the absence period of the petitioner, which is covered in this Writ Petition and the petitioner is also permitted to send a proper representation in this regard. On receipt of such representation, the respondents are directed to dispose of the same within a period of four (4) weeks thereafter. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
State Express Transport Corporation,
Pallavan Street,
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K.RAJASEKAR,J.

Lm

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