



W.P.(MD)No.27171 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

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K.R.Kannan

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Karaikudi Region, Managiri Road,
Maruthapathi, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take the whole service from the date of appointment to date retirement and issue difference of payment in salary for not keeping equal salary and other benefits as per the Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



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For Petitioner :Mr.K.Gokul
For Respondents :Mr.K.Jegadees Balan

ORDER

This Writ Petition has been filed with the following prayer:

“to direct the respondents to take the whole service from the date of appointment to date retirement and issue difference of payment in salary for not keeping equal salary and other benefits as per the Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.”

2.Mr.K.Gokul, learned Counsel for the petitioner submits that the petitioner was appointed in respondent Corporation as Driver on 01.09.1986 and he was discharged from service, as he was found medically unfit due to the major accident, which took place on 11.10.1989. When the petitioner had approached the management for re-employment, the management had given an alternative employment to the petitioner with new scale of pay. However, it is the case of the petitioner that the new scale of pay fixed by the respondent management was lesser than the scale of pay drawn by the petitioner in the post of



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Driver. In the meanwhile, the petitioner was retired from service in the year 2017. Since there is a huge difference between the present scale of pay and the previous scale of pay drawn in the post of Driver and the service period rendered in the post of Driver was not taken into account while calculating the retirement benefits, based on the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the petitioner had made several representations to the respondents for revising the scale of pay and for arrears and other benefits and the last representation was dated 16.11.2022, copy of which was found place at Page No.17 of the paper book. In spite of more than two years passed, the respondents are sitting tight over the matter and have not passed any positive order in favour of the petitioner. Thus, he submits that the respondents may be directed to consider the claim of the petitioner and pass appropriate orders in accordance with law.

3.Mr.K.Jegadees Balan, learned Standing Counsel for the respondents submits that the petitioner may be directed to submit a fresh representation before the second respondent setting out his entire



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grievances and claim and this Court may please to fix a time limit to decide the same, as no useful purpose will be served in keeping the present Writ Petition pending before this Court.

4. After considering the arguments, as advanced by the learned Counsels for the parties and after perusal of the entire records and the pleadings made in the Writ Petition and after perusal of the representation, dated 16.11.2022 made by the petitioner before the second respondent and also the request made by the learned Standing Counsel for the respondents, this Court deem it appropriate that the petitioner may file a fresh representation before the second respondent with his entire grievances and claim within a period of four weeks from today and if any such representation is made before the second respondent within the time stipulated by this Court, the second respondent is directed to decide the same by way of a reasoned and speaking order and also in accordance with law within a period of two months thereafter and communicate the order to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks thereafter.



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WEB COPY 5. With the above directions, this Writ Petition is finally disposed
of. No costs.

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

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SHAMIM AHMED, J.

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