



W.A.(MD)No.18 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.18 of 2020

Subramanian

... Appellant

vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi Depot.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Rameswaram.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order passed in WP(MD)No.17863 of 2019 dated 27.11.2019.

For Appellant : Mr.J.Barathan

For Respondents : Mr.K.Ramaiah



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JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant herein joined the respondent Transport Corporation as Driver. Since his vision got impaired, he was not in a position to continue as Driver. He was sent to Medical Board. The Medical Board certified that the appellant is not fit to continue as Driver. He was assigned with an alternative employment as Security in the year 2013. Suddenly, in the year 2019, the management called upon the appellant to assume the duties of Conductor after getting conductor license. He was also stopped from discharging his duties as Security. The appellant herein submitted a representation dated 16.04.2019 to consider his request to continue in the post of Security. Since his representation was not acted upon, he filed WP(MD)No.11140 of 2019 for directing the respondents to consider his case. On 15.07.2019, the order impugned in the writ petition was passed negating the writ petitioner's request to be re-posted the writ petitioner as Security. Challenging the same, the appellant filed WP(MD)No.17863 of 2019.



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The learned Single Judge vide order dated 27.11.2019 disposed of the writ petition. The learned Single Judge while disposing of the writ petition observed that the appellant will not be entitled to any salary for the non-employment period. Aggrieved by the same, this writ appeal has been filed.

3.Now the question is whether the appellant is entitled to monetary benefits and arrears of salary from April 2019 to November 2019. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was repealed. The new Act, namely, The Rights of Persons with Disabilities (RpwD) Act, 2016 came into force. A combined reading of the statutes reveals that when once an employee because disabled, it is the duty of the management to give him an alternative employment together with pay protection. In this case, the alternative employment was given to the appellant way back in the year 2013. It was only on account of the wilful act of the management, he was prevented from discharging his duties as security. Therefore, the appellant is statutorily entitled to all the monetary benefits together with salary arrears for the non-employment period ie., April 2019 to November 2019.



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4.The order of the learned Single Judge is modified. This writ appeal is allowed. No costs.

(G.R.S. J.) & (K.R.S. J.)
18.08.2025

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

To

- 1.The Managing Director,
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- 3.The Branch Manager,
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and
K.RAJASEKAR, J.

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