



WP(MD)No.24725 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 09.10.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.24725 of 2025

V.K.Moovendiran

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Madurai Region, Bye Pass Road,
Madurai – 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Madurai Region, Bye Pass Road,
Madurai – 625 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent order, dated 24.07.2025 passed in office Order No. Administration/A4/3285/2025 and quash it as illegal and violative to the Section 20(4) of Rights of the persons with Disabilities Act, 2016 and consequently direct to respondent to restore the Driver pay scale and release the arrear of pay or any other as deemed fit and proper to the circumstances by considering my representation, dated 20.08.2025.



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For Petitioner : Mr.K.K.Samy

For Respondents : Mr.Gladsson Micheal Rajadurai

ORDER

This Writ Petition had been filed to quash the order passed by the second respondent, dated 24.07.2025 in office Order No.Administration /A4/3285/2025 as illegal and violative to the Section 20(4) of Rights of the persons with Disabilities Act, 2016 and consequently direct the respondent to restore the Driver pay scale and release the arrear of pay or any other as deemed fit and proper to the circumstances by considering my representation, dated 20.08.2025.

2. Heard Mr.K.K.Samy, learned counsel appearing for the petitioner, Mr.Gladsson Micheal Rajadurai, learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as a Driver in the respondent Corporation in the year 1998. He was referred to the Aravind Eye Hospital, Madurai on 11.06.2024 as he had lost his eye sight and was diagnosed with an eye problem and hence, he was not able to perform his duty as Driver assigned by the corporation and he is on medical leave from 29.06.2024. The petitioner has



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sought for an alternative job, but he was advised to go on medical leave. The petitioner was also referred to the Director of Regional Eye Research Institution & Government Eye Hospital, Egmore, where he was directed to appear before the Medical Board constituted by the Director of Institution. The Medical Board had opined that the petitioner was not fit to drive heavy duty vehicles. Even thereafter, the respondent had not taken any steps to provide an alternative job and kept him under unearned leave on medical grounds. Hence, he approached this Court by way of Writ Petition in W.P.(MD).No.7864 of 2025, which is pending consideration by this Court. In the interregnum, the petitioner was offered to work as Conductor and he has also assigned a role of Conductor and but found it difficult to handle the Electronic Ticket Machines, which was also brought to the notice of the respondents by communication, dated 28.05.2025, but however by order dated 24.07.2025, he was permanently transferred to the post of Conductor.

4. He would submit that the basic pay of a Driver was Rs.53,000/-, but however, after the transfer, the basic pay of the petitioner had been fixed at Rs.51900/- and on enquiry, it was informed that it was because due to the change of the post. The learned counsel appearing for the petitioner would submit that



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Section 20 of Sub-section (4) of the Rights of the persons with Disabilities Act, 2016 (hereinafter referred to as 'Act') is univocal that when an alternative job is given to the employee on the grounds of medical invalidation, then there could be no pay/service benefits reduced at the time of implementation of the said Act and in that aspect, he seeks to challenge the order impugned herein directing restoration of the Driver pay scale and also disburse the arrears that arises out of such order.

5. Countering his arguments, the learned counsel appearing for the respondents would submit that the petitioner hitherto who had been working as a Driver, which carried on higher pay scale, now had been transferred to the cadre of Conductor, which carries a lower pay scale and commensurate with the work done by the petitioner and that there is no infirmity in fixing the pay scale of the petitioner and therefore, prays this Court to dismiss the Writ Petition.

6. I have considered the submissions made by the learned counsel appearing on either side and perused the materials placed on record.

7. Admittedly, the petitioner had been medically invalidated and found to be 'unfit' to perform the job as a Driver to which he was appointed. It is also an



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admitted case that the pay scale of the Conductor is lower than the pay scale of

the Driver. Section 20 of Sub-Section (4) of the Act reads as hereunder:-

(4) No Government establishes shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits;

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

8. The first proviso to aforesaid provision envisages that if an employee acquires a disability and is not suitable to the post that he is holding, he should be shifted to some other post, however with the same pay scale and service benefits. The present impugned order passed runs contrary to the aforesaid provision and therefore petitioner is entitled to the same pay scale and other service benefits, as in the post of Driver to which he had been appointed.

9. For the aforesaid reasons, the Writ Petition insofar as fixing the pay scale of the petitioner on par with the Conductor pay scale alone is quashed and



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the respondents are directed to fix the pay scale and other service benefits that the petitioner had been enjoying as a Driver till the date of his attaining the disability and direct them to disburse the arrears of difference in salary to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

24.11.2025

Index : Yes / No
Internet : Yes / No
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To

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K.KUMARESH BABU, J.

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Order made in
W.P.(MD)No.24725 of 2025

24.11.2025