



WEB COPY

WP No. 25300 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**WP No. 25300 of 2015**

C. Manickaraj

Dr. No. 6497, S/o. Chinnasamy,

Avathanupatty, Agraharam Post, Krishnagiri Taluk,

Krishnagiri District

..Petitioner(s)

Vs

1. The Managing Director,

Tamilnadu State Transport Corporation

(Salem), Salem

2. The General Manager

Tamilnadu State Transport Corporation

Salem Division, Dharmapuri Region,

Dharmapuri

..Respondent(s)

PRAYER : To call for the records pertaining to the order No. PA2 / 1705 / TNSTC / Dharmapuri Region/2014 dated 29.10.2014 passed by the 2nd respondent, quash the same in so far as not treating the period from 25.4.2011 to 2.11.2014 as duty with continuity of service, pay protection and other service benefits and consequently direct the respondents to treat the period from 25.4.2011 to 2.11.2014 as duty with continuity of service, pay protection,



arrears and all other consequential benefits such as annual increments, revision of pay, review benefits, etc. and to fix pay correctly on par with the petitioner colleagues with effect from 3.11.2014 with arrears of difference in wages and other attendant benefits..

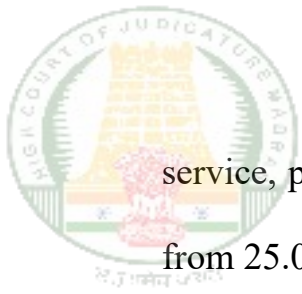
For Petitioner(s): Ms.G.K.Dharshini,  
for M/s.R.Krishnaswamy.

For Respondent(s): Mr.M.Aswin,  
Standing Counsel.

### **ORDER**

In this Writ Petition, the petitioner seeks issuance of a direction to the respondents to pay arrears of salary for the period from the date of denial of employment, i.e., 25.04.2011 to 02.11.2014.

2. The petitioner, while working as a Driver in the respondent Corporation, suffered from acute knee pain and underwent medical treatment. His right knee was replaced, and he was discharged from the hospital on 05.12.2011. Thereafter, the petitioner submitted representations dated 26.04.2012 and 04.09.2012 to the respondents seeking alternative employment on account of disability, in terms of Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. As the said representations were not considered, the petitioner approached this Court by filing W.P.No.14995 of 2013, seeking a direction to the respondents to provide suitable alternative employment with continuity of



service, pay protection, back wages, and all other attendant benefits with effect from 25.04.2011.

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3. This Court, by order dated 02.06.2014, directed the respondents to consider the petitioner's representations and pass appropriate orders on merits and in accordance with law.

4. Even prior to approaching this Court, the petitioner had been referred to the Medical Board for examination. The Medical Board, by its report dated 11.09.2013, opined that the petitioner was unfit to continue in the post of Driver on account of disability. Based on the said report, the respondents issued an order dated 29.10.2014, stating that the petitioner would be provided with alternative employment as a Helper in the Technical Section, with continuity of service and protection of pay scale. The grievance of the petitioner is that he ought to have been provided alternative employment from the date of the Medical Board's report, i.e., 11.09.2013, and that the delay in providing such employment resulted in denial of wages for the interregnum period.

5. The learned counsel appearing for the respondent Corporation submitted that although continuity of service and pay protection have been granted to the petitioner, he is not entitled to wages for the interregnum period, applying the principle of "No work, No pay."

6. It is evident that the petitioner had submitted representations as early as in the year 2012 seeking alternative employment, which were not considered. Only in the year 2013, the petitioner was referred to the Medical Board, and



even after the Medical Board opined that the petitioner was medically unfit to continue as a Driver, alternative employment was not immediately provided, compelling the petitioner to approach this Court. Pursuant to the directions of this Court, the petitioner was ultimately provided alternative employment with all attendant benefits, except wages for the interregnum period.

7. Once the petitioner was found medically unfit on account of disability, the respondent Corporation ought to have provided alternative employment from the date of the Medical Board's report, i.e., 11.09.2013. Therefore, this Court is of the view that the petitioner is entitled to 50% of the salary for the period from 01.09.2013 to 02.11.2014. Denial of the same would deprive the Petitioner his legitimate right for no fault of him.

8. Accordingly, the respondents are directed to pay 50% of the wages/salary to the petitioner for the period from 01.09.2013 to 02.11.2014, with pay protection, within a period of two months from the date of receipt of a copy of this order. The respondents are also directed to pay full pension and other pensionary benefits to the petitioner, if not already paid.

9. The Writ Petition is disposed of accordingly. No costs.

**29-01-2026**

Index: Yes/No

Speaking/Non-speaking order

(1/2)

Neutral Citation: Yes/No

DIXIT



To

1. The Managing Director,  
Tamilnadu State Transport Corporation  
(Salem), Salem
2. The General Manager  
Tamilnadu State Transport Corporation  
Salem Division, Dharmapuri Region,  
Dharmapuri



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**HEMANT CHANDANGOUDAR, J.**

**DIXIT**

**WP No. 25300 of 2015**

(1/2)

**29-01-2026**



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**W.P.No.25300 of 2015**

**HEMANT CHANDANGOUDAR, J.,**

The captioned writ petition is listed today under the cause list caption 'FOR BEING MENTIONED' at the instance of learned counsel for the petitioner.

2. The learned counsel for the petitioner made submissions seeking clarification / modification of the order dated 29.01.2026.

3. Upon hearing the submissions and on perusal of the records, this Court finds no reason to modify or clarify the earlier order dated 29.01.2026 made in W.P.No.25300 of 2015.

4. Accordingly, the earlier order dated 29.01.2026 passed in W.P.No.25300 of 2015 shall remain unaltered and holds good.

11.02.2026

*mk*