



WEB COPY



W.A.No.3766 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.3766 of 2025
and
C.M.P.No.31092 of 2025**

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Region,
Kanchipuram District.

... Appellants

-Vs-

S.D.Meganathan

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 19.12.2024 in W.P.No.17210 of 2024.

For Appellant : Mr.A.Vinothraj

For Respondents : Mr.N.Sudhagar Nagaraj



W.A.No.3766 of 2025

J U D G M E N T

WEB COPY

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 19.12.2024 made in W.P.No.17210 of 2024.

2. The respondent / writ petitioner was working as a Driver at the appellant Transport Corporation. Since he has suffered with various ailments especially Neurology problem, he became sick and therefore, he was not able to continue the Driver job. At that juncture, he had been referred to the Medical Board at Chennai and he had undergone the medical test from 29.08.2022 to 13.09.2022 and once again undergone medical test from 23.02.2024 to 07.03.2024.

3. However, on 19.09.2023, the office of the second appellant orally terminated the services of the respondent / writ petitioner.

4. Only at that juncture, the respondent / writ petitioner had approached the writ Court seeking for a writ of mandamus directing the appellants herein who stood as respondents in the writ petition to forthwith provide suitable alternative employment to the respondent / writ petitioner with pay protection,



W.A.No.3766 of 2025

continuity of service and backwages from the date of disengagement till date on which he is provided with alternative light duty as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

5. The said writ petition having been considered was allowed by the writ Court by passing the following order:

“5. Considering the above said facts and circumstances of the case and taking note of the proceedings of the Special Board, Rajiv Gandhi Government Hospital, Chennai dated 05.04.2024 indicating that the petitioner has suffered 60% disability, the authorities are directed to sanction the eligible position, whatever the petitioner is entitled to. Further, the salary shall be paid to the petitioner for the pending months without any further delay, if not already paid.

With the above observations, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.”

As against which only, the present intra-Court appeal has been directed.

6. The learned counsel appearing for the appellants would submit that based on the direction given by the writ Court, already a proceeding has been given by the first appellant on 19.02.2025 directing the second appellant to give him alternative job and thereafter, whether the second appellant had given the



alternative job or not is not known as of now, therefore, he wants to get instructions in this regard.

7. It is an appeal filed by the appellants, i.e., first and second appellants jointly. The first appellant issued proceedings on 19.02.2025 to the second appellant to give alternative job to the respondent / writ petitioner but the second appellant whether has complied with the order by giving alternative employment to the respondent / writ petitioner, if it is not known, this appeal itself is liable to be dismissed on that ground itself.

8. That apart, as per the provisions of Rights of Persons with Disabilities Act, 2016 especially under Section 20(4), no Establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service. If that being so, dispensing with the service of the respondent / writ petitioner by making oral termination and subsequently delay in giving the alternative employment are all against the provisions of Rights of Persons with Disabilities Act, therefore, the respondent / writ petitioner since is entitled to get alternative job and if gets the alternative job, he is also entitled to get the salary and other perquisites, the same cannot be denied by the employer under the provisions of the Act and the relief sought for granted through the impugned order cannot be found fault with.



W.A.No.3766 of 2025

9. In that view of the matter, we are not inclined to entertain this writ appeal, as a result of which, this Writ Appeal is liable to be dismissed, hence it is dismissed. The orders passed by the writ Court shall be complied with by the appellants within a period of fifteen (15) days from the date of receipt of a copy of this order, failing which, it is open to the respondent / writ petitioner to take any coercive steps for not complying the order of the writ Court. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (S.S.A., J.)
07.01.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy by 09.01.2026.

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram District.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Region,
Kanchipuram District.



WEB COPY



W.A.No.3766 of 2025
R.SURESH KUMAR, J.
and
SHAMIM AHMED, J.

vji

W.A.No.3766 of 2025
and
C.M.P.No.31092 of 2025

07.01.2026