



W.P.(MD)No.6469 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :01.06.2026

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.6469 of 2026
and WMP(MD) No.5388 of 2026

R.Nagarajan

... Petitioner

Vs

1.The State Express Transport Corporation (Tamilnadu) Ltd.,
represented by its Managing Director,
Pallavan Salai
Chennai 600 002.

2.The Senior Deputy Manager (HRD)
The State Express Transport Corporation (Tamilnadu) Ltd.,
Pallavan Salai
Chennai 600 002.

3.The Branch Manager,
The State Express Transport Corporation (Tamilnadu) Ltd.,
Trichy Branch
Trichy.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for records pertaining to the impugned orders of respondents 2 and 3 issued in letter No.339619/MaVa4/SETC/2024 dated 30.01.2026 and Memo No.51/A3/SETC/Tiru/25 dated 04.02.2026 quash the same and consequently directing the respondents to forthwith provide suitable



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alternative light duty to the petitioner depending upon his health condition, on permanent basis at Trichy Branch of 1st respondent Corporation and provide him all other attendant benefits including continuity of service, pay protection and backwages as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 and for a further direction to the respondents to pay backwages for the period when the petitioner was not given light duty, within a time frame that may be fixed by this Court.

For Petitioner :Mr.A.Rahul
For Respondents :Mr.K.Senthilkumar for R1 and R2
Mr.S.C.Herold Singh for R3

ORDER

This writ petition has been filed challenging the impugned orders of the respondents 2 and 3 in letter No.339619/MaVa4/SETC/2024 dated 30.01.2026 and Memo No.51/A3/SETC/Tiru/25 dated 04.02.2026 and to direct the respondents to forthwith provide suitable alternative light duty to the petitioner depending upon his health condition, on permanent basis at Trichy Branch of the 1st respondent Corporation and provide him all other attendant benefits including continuity of service, pay protection and backwages as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 and for a further direction to the respondents to pay backwages for the period when the petitioner was not given light



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duty, within a time frame that may be fixed by this Court.

2. This Court, having taken note of the totality of the said facts and circumstances of the case, passed the following interim order on 11.03.2026:

“Mr.K.Senthil Kumar, learned Standing Counsel, takes notice for the respondents 1 & 2 and Mr.S.C.Herold Singh, learned Standing Counsel, takes notice for the third respondent.

2. This is a case where an atrocity is sought to be inflicted upon the petitioner, who has suffered paralysis stroke and was certified as suffering from 75% locomotor disability, by requiring him to discharge the functions of a Conductor. 3. A perusal of the photograph filed by the petitioner, which is at Page No.40 of the typed set of papers, shows that both limbs are affected by paralysis stroke and he is able to walk only with the help of a stick.

4. Having taken note of the same, this Court expresses it's inclination to initiate prosecution against the officers responsible, who are involved in issuance of the impugned proceedings. However, before resorting to the same, this Court is inclined to afford an opportunity to the respondents to rectify themselves.

5. Hence, list the matter on 16.03.2026 immediately after admission cases. This Court expects the respondents to



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act immediately and rectify their mistake on or before 15.03.2026.”

3. Again on 16.03.2026, this Court passed the following order:

“In response to the order dated 11.03.2026, the learned Standing Counsel placed before this Court a copy of the proceedings dated 12.03.2026, providing alternative employment by posting the petitioner as a Pump Operator or as a Security Guard, whichever is available.

2. This Court has already taken note of the fact that the petitioner has suffered a paralytic stroke affecting both his left upper and lower limbs, but the second respondent had required the petitioner to discharge the functions of a conductor as an alternative employment. Under those circumstances, this Court expected a positive response from the second respondent. However, from the persual of the proceedings, dated 12.03.2026, whereby the petitioner is sought to be posted as a Pump Operator or as a Security Guard, it further amplifies the mindset of the second respondent.

3. In the considered view of this Court, prima facie it is a fit case where appropriate prosecution is required to be initiated against the second respondent for having deliberately attempted to defeat the very purpose of the provisions contained in the Rights of Persons with Disabilities Act, 2016. In the circumstances, the second



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respondent is directed to file an affidavit explaining why he should not be prosecuted under the said Act.

4. List the matter on 23.03.2026 for filing affidavit.”

4. It is pursuant to the above orders, finally the 2nd respondent has realised his statutory obligations under the provisions of the Rights of the Persons with Disabilities Act, 2016 and issued an alternative employment in favour of the petitioner through proceedings dated 26.03.2026. Accordingly, the petitioner joined in the said post and has been continuing in service.

5. The learned standing counsel for the respondents 1 and 2 also submitted that the petitioner would be continued in the said alternative employment so long as he suffers the disability.

6. Though the 2nd respondent has filed counter affidavit, the same has no substance and merit consideration of this Court. When the petitioner has suffered a paralytic stroke, he is unable to discharge his duty as a Driver and Conductor. The respondents requiring him to discharge his duties of the Conductor was already noted by this Court on 11.03.2026 and 16.03.2026. Such action on the part of the respondents

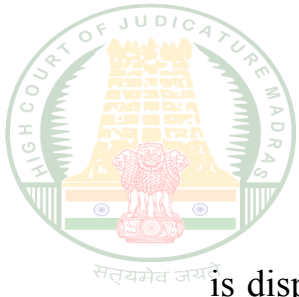


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requiring the petitioner to discharge his duty as Conductor is nothing but deliberate attempt to deviate the very purpose and intend of enacting the Act, 2016. Therefore, there is no merit in the stand of the respondents stating that in spite of asking the petitioner to report to duty, he failed to report to duty to discharge the functions of the Conductor.

7. On the other hand, the learned counsel for the petitioner submitted that in terms of Section 47(1) of the Act, 2016, the petitioner would be entitled for all salary and other allowances as if the petitioner continued in service and also contended that the respondents are under the statutory obligations to pay the said emoluments right from the date on which the petitioner was referred to the Medical Board. As the relief with regard to alternative employment has already been acceded to by the respondents, it is also obligatory on the part of the respondents to consider the aspect of payment of salary and other allowances for the disability period during which he was not provided with suitable alternative employment. Hence, while placing on record the proceedings dated 26.03.2026 and the assurance given by the learned standing counsel for the respondents to continue the petitioner in the said alternative employment so long he suffers the disability, the writ petition



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is disposed of directing the respondents 2 and 3 to consider the claim of the petitioner with regard to salary and other allowances in terms of Section 47(1) of the Act 2016 and to pass appropriate orders as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

01.06.2026

NCC :Yes/No
Index :Yes/No
RR



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RR

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