

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.38392 of 2016

M.Ezhilarasan

...Petitioner

...vs...

The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram Division-I)
Villupuram

....Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to implement the order passed by this Court in C.M.A.No.604 of 2008 dated 03.12.2010 and to absorb the petitioner in any one of the appropriate post in the respondent corporation by considering the petitioner's representation dated 13.07.2015.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Damodaran

O R D E R

This Writ Petition has been filed seeking for a direction to the respondent to implement the order passed by this Court in C.M.A.No.604 of 2008 dated 03.12.2010 and to absorb the petitioner in any one of the appropriate post in the respondent corporation by considering the petitioner's representation dated 13.07.2015.

2. The case of the petitioner is that he met with an accident on 18.04.1997, which was caused by the bus belonging to the respondent Corporation. Due to which he sustained grievous injuries. Hence, he filed a Claim Petition before the Motor Accidents Claims Tribunal, Tindivanam, in M.C.O.P.No.1135 of 1997. The Claims Tribunal, on 03.12.2010 has awarded a sum of Rs.1,76,000/- (One Lakh Seventy Six Thousand only) to the petitioner as compensation. Challenging the said Judgment, the

respondent Corporation has filed Civil Miscellaneous Appeal before this Court in C.M.A.No.604 of 2008. This Court, vide order 03.12.2010 enhanced the amount of compensation awarded by the Motor Accidents Claims Tribunal as Rs.2,57,000/- (Rupees Two Lakhs Fifty Seven Thousand only). While enhancing the compensation, this Court has held as follows:

"10. Since it is submitted by the learned counsel for the respondent that the injured boy is now a 'plus 1' student, I am of the view that if and when occasion arises of his seeking employment, the State Transport corporation would provide him appropriate employment taking into consideration the fact that he has suffered an injury which he will bear for the rest of his life with quite some sorrow and that affording him employment would be a small measure of recompense by which the State Transport Corporation can address the harm suffered by the Claimant due to the rash and negligent driving of the bus belonging to it."

3. It is further stated that the petitioner made a representation on 13.07.2015, to the respondent requesting him to provide employment, in the light of the aforesaid observation of this Court. But, no decision on the same has been taken by the respondent till date. Therefore, the petitioner has come forward to file this Writ petition seeking for the aforesaid relief.

4. In spite of opportunity being given and as the matter is pending from the year 2016, no counter/reply affidavit has been filed by the respondent till date.

5. The learned counsel for the petitioner submits to allow the prayer made. The learned counsel for the respondent, during the course of hearing, submits that if such representation is pending, the same shall be considered in accordance with law, within a stipulated time. The petitioner may also be directed to furnish a copy of the representation, along with a copy of this

order.

5.Considering the aforesaid facts and submissions made, this Court dispose of the Writ Petition with a direction to the respondent, to consider the representation of the petitioner dated 13.07.2015, on merits and in accordance with law, if the same is pending and not disposed of earlier, within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediment but in the light of the order passed by this Court stated supra. The petitioner shall furnish a copy of representation along with the copy of this order to the respondent. However, it is made clear that this Court has expressed no opinion on the merits of such representation in any manner. No costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram Division-I)
Villupuram.

+1 CC to Mr.I.C. Vasudevan, Advocate sr 58881.

+1 CC to Mr.S. Rajiniramadoss, Advocate sr 58733.

W.P.No.38392 of 2016

सत्यमेव जयते

CP (CO)
SP (27/09/2018)

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