



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5448 of 2020

and

W.M.P. (MD) .No.4751 of 2020

WEB COPY

L.Namachivayam

... Petitioner

Vs.

1.The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
represented by its Managing Director, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam Region,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to refer the petitioner to the Medical Board of any Government Hospital to ascertain his physical fitness to work as Conductor and consequently to provide alternative employment to him with pay protection, continuity of service and backwages in terms of Section 20(4) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016 within a time frame.

For petitioner	: Mr.A.Rahul
For respondents	: Mr.P.Balasubramanian

ORDER

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The learned counsel for the petitioner submitted that the petitioner was appointed as Conductor in the first respondent / Corporation on 05.04.1991. Now the petitioner is aged about 56 years and he is suffering from stroke, by which the movement of his left hand and left leg is restricted and he is unable to move freely and speak clearly. On 22.11.2019, the petitioner has sent a representation to the respondents to refer him to the Medical Board to ascertain his physical fitness to work as Conductor and to provide alternative employment. As it was not considered, again, he sent another representation on 02.03.2020. But, they have not been considered by the respondents till date and hence, he has come up with this writ petition.



3. The learned standing counsel appearing for the respondents submitted that the respondents would consider the representation of the petitioner dated 22.11.2019, as early as possible.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the official respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duty and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within a stipulated time.

5. In view of the above, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 22.11.2019 on merits and in accordance with law, and to refer him to the Medical Board, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 22.11.2019, along with a copy of this order, to the respondents for early consideration of the matter.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar()

To

1.The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
represented by its Managing Director, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam Region, Kumbakonam.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-11904[F]

+1 CC to M/s.A.RAHUL, Advocate (SR-11913[F]

Order made in
W.P. (MD) No.5448 of 2020
16.03.2020

gcg

<https://hccs.courts.gov.in/cases> SDSC08052020/SP/5C