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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.15182/2021

[Video Conferencing]

A.Marimuthu

...Petitioner

Vs

1.The Chairman
Railway Board,
Railway Bhavan, Raisana Road
New Delhi.

2.The Commissioner for Persons with
Disability, Court of Chief Commissioner
for Persons with Disabilities [DIVYANGJAN]
Sarojini House, Bhagavanas Road
New Delhi 110 001.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the 1st respondent to implement the order passed by the 2nd respondent in his Case No.12086/1021/2020 dated 06.01.2021 in order to restore the pay scale and other service benefits that are available to the petitioner before declaring unsuitable for the post he was holding before disability, i.e., 30.09.2013, with all consequential service and monetary benefits including promotion within the stipulated time as deem fit by this Court.

For Petitioner : Mr.K.Venkataramani
Senior Counsel for
Mr.M.Muthappan

For Respondents : No appearance

ORDER

1. The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus, directing the 1st respondent to restore the pay scale and other service benefits including promotion, consequential service and monetary benefits that are available to the petitioner before declaring him as 'unsuitable' for the post he was holding before disability, i.e., 30.09.2013, by implementing the order of the 2nd respondent dated 06.01.2021.



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2. Mr.K.Venkataramani, learned Senior counsel assisted by Mr.M.Muthappan, learned counsel for the petitioner would submit that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider and pass orders on the petitioner's representations dated 04.02.2021 and 19.04.2021 respectively on merits within a stipulated time frame.
3. When the matter was called, there is no representation on behalf of the respondents.
4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representations dated 04.02.2021 and 19.04.2021 respectively, on merits and in accordance with law and in the light of the order passed by the 2nd respondent in Case No.12086/1021/2020 dated 06.01.2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.
5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Chairman
Railway Board,
Railway Bhavan, Raisana Road
New Delhi.
- 2.The Chief Commissioner,
Court of Chief Commissioner's
for Persons with Disabilities [DIVYANGJAN]
Sarojini House, Bhagavanas Road
New Delhi 110 001.

+1cc to M/s. M. Muthappan, Advocate, S.R.No.35164

WP.No.15182/2021

RP(CO)

RVM(27/07/2021)

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