



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.964 of 2021

K.A.Prem Anandh

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, Kattaboman Nagar,
Tirunelveli - 627 003.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Region, Rani Thottam, Nagercoil,
Kanniyakumari District - 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to provide alternative employment on account of his disability as per Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, by considering the representations dated 23.02.2020 and 08.09.2020 followed by counsel notice dated 09.12.2020.

For Petitioner : Mr.K.C.Maniyarasu

For Respondents : Mr.R.Rajamohan,
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to provide alternative employment on account of his disability as per view of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 08.09.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified



in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 08.09.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 08.09.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, Kattaboman Nagar,
Tirunelveli - 627 003.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-1982[F]
dated 25/01/2021)

W.P. (MD) No.964 of 2021

22.01.2021

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