



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.2846 of 2021

R.Thiayagarajan

...Petitioner

Vs.

1.The Managing Director,  
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam.

2.The General Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region, Trichy.

3.The Branch Manager,  
Theeran Nagar Town Branch,  
Tamilnadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Trichy.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take necessary action on the basis of the petitioner's representation dated 06.01.2021 with regard to provide alternative employment as light duty in terms of Section 47(1) of persons with Disabilities (Equal opportunities, protection of rights and full participation ) Act, 1955 and consequently, direct the respondents to pay wages and all other attendant benefits for the period within a time stipulated by this Court.

For Petitioner : Mr.D.Anbarasu

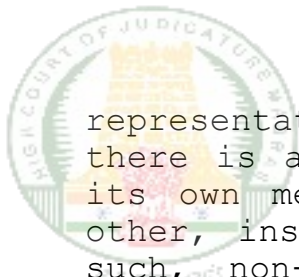
For Respondents : Mr.D.Sivaraman  
Standing Counsel

**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 as light duty in terms of Section 47 (1) of persons with Disabilities (Equal opportunities, protection of rights and full participation ) Act, 1955 and to pay wages and all other attendant benefits was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.01.2021, 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 second respondent herein to consider the petitioner's representation dated 06.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 06.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

**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 General Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region, Trichy.

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-5536[F] dated 17/02/2021 )

+1 CC to M/s.D.ANBARASU, Advocate ( SR-5763[F] dated 17/02/2021 )

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MJ(CO)