



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4780 of 2021

and W.M.P. (MD).No.3904 of 2021

A.Murugan

...Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Rep. by it's Managing Director,
Bye Pass Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board for find out the petitioners disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Sec.47(1) of the persons with Disabilities (Equal Opportunities protection of Rights and Full Participation) Act 1995 and thus render justice.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

O R D E R

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

2.Since the petitioner's request to the respondents to refer the petitioner to Medical Board for find out the petitioners disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Sec.47(1) of the 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 15.12.2020, 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 respondents herein to consider the petitioner's representation dated 15.12.2020, 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 respondents to consider the petitioner's representation dated 15.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

<https://hcservices.ecourts.gov.in/hcservices/>



concerned.

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To

The Managing Director,
The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Rep. by it's Managing Director,
Bye Pass Road,
Madurai.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-9875[F] dated
10/03/2021)

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-10334[F] dated
11/03/2021)

W.P. (MD) No.4780 of 2021
09.03.2021

GS (22.03.2021) 3P 4C