



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4408 of 2021

and W.M.P. (MD).No.3549 of 2021

S.Murugesan

...Petitioner

Vs.

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

... 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 to find out the petitioner's disability and to provide the petitioner 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.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.T.Sakthi Kumaraiah
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 refer the petitioner to Medical Board to find out the petitioner's disability and to provide the petitioner 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 14.10.2020, 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 respondent herein to consider the petitioner's representation dated 14.10.2020, 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. At this juncture, the learned Standing Counsel for the respondent would submit that the petitioner may direct to give a fresh representation enclosing the copy of the original representation. In this regard, the petitioner is granted liberty to make a fresh representation enclosing a copy of the original representation, dated 14.10.2020.

6. Accordingly, there shall be a direction to the respondent to consider the petitioner's representation dated 14.10.2020, 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.

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

Sd/-

Assistant Registrar (CS-I)

// 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

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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.

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TO

**The Management of tamilnadu state,
Transport Corporation (Madurai) Ltd,
Dindigul Region,
Rep.by it's General Manager,
Bye pass Road,**

1 CC to M/s.J.SENTHIL KUMARAI, Advocate (SR-9115[F] dated 05/03/2021)

+1 CC to M/s.G.M.XAVIER, Advocate (SR-8662[F] dated 04/03/2021)

Dingul.W.P.(MD) No.4408 of 2021
04.03.2021

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