



WP(MD)No.17444 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.17444 of 2022

N.Mathias

... Petitioner

/vs./

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pass orders on the petitioner's representation dated 08.12.2021 by counting his past services from 02.07.1992 to termination dated 15.07.1996 and thereafter, he should be treated as if the petitioner continued in service till fresh appointment dated 27.01.1997 for the purpose of full pension and pensionary benefits as contemplated in Section 47 Person with Disability Act, 1995.



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For Petitioner : Mr.G.Justin
For Respondents : Mr.M.Siddharthan
Additional Government Pleader (for R1)
Mr.S.C.Herold Singh
Standing Counsel (for R2)

ORDER

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

2.The petitioner herein had given a representation to the respondents on 08.12.2021 seeking for counting his past services from 02.07.1992 to termination dated 15.07.1996 and thereafter, he should be treated as if the petitioner continued in service till fresh appointment dated 27.01.1997 for the purpose of full pension and pensionary benefits as contemplated in Section 47 Person with Disability Act, 1995. Since the said representation was not considered, the present writ petition has been filed.

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



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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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 08.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs.

04.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

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M.S.RAMESH, J.

Rmk

To

- 1.The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St.George,
Chennai 600 009.

Order made in
W.P.(MD) No.17444 of 2022

Dated:
04.08.2022