



W.P.(MD) No.13653 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13653 of 2022

S.Chandrasekaran

... Petitioner

Vs.

**1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.**

**2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to forthwith provide the Petitioner with alternative employment in any suitable post as per section 20(4) of Rights of Persons with Disabilities Act, 2016 and to regularize his period of service from 19.01.2022 to till the date of providing work to him as duty for all purposes and count the said period for the purpose of Provident Fund, Pension, Gratuity and for all other service benefits.



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For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan
Standing Counsel

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 18.06.2022 seeking to provide the Petitioner with alternative employment in any suitable post as per section 20(4) of Rights of Persons with Disabilities Act, 2016 and to regularize his period of service from 19.01.2022 to till the date of providing work to him as duty for all purposes and count the said period for the purpose of Provident Fund, Pension, Gratuity and for all other service benefits. 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



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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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 18.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

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Index : Yes / No
Speaking Order/ Non Speaking Order
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M.S.RAMESH,J.

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