



WP(MD)No.19012 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2022**

CORAM:

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

W.P.(MD)No.19012 of 2022

P.K.Murugesan

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to sanction arrears of salary from the year 2020 till the date of providing temporary alternative employment along with increment to the petitioner and further direct



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the respondents to provide job on permanent basis as per the provisions of Disabled Persons (Equal Opportunities, Rights) Act, 1995 with attended benefits to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Jagadees Balan

Standing Counsel (for R1 & 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 29.04.2022 seeking for sanction of arrears of salary from the year 2020 till the date of providing alternative employment along with increment and for providing job on permanent basis. 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



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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, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 29.04.2022 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.

22.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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TO:

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Periyamilaguparai,
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Order made in
W.P.(MD)No.19012 of 2022

Dated:
22.08.2022