



W.P.(MD)No.19485 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.19485 of 2022

M.Pakkir Mohideen

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Represented by its Managing Director,
Tirunelveli.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to forthwith provide suitable employment as envisaged under Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 with continuity of service, backwages payable from 11.11.2021 to till date on which the respondents provide petitioner alternative light duty.



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For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Jebaraj
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 25.07.2022 to provide suitable employment as envisaged under Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 with continuity of service, backwages payable from 11.11.2021 to till date on which the respondents provide petitioner alternative light duty. 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



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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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 25.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.



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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

ssb

To

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The Tamil Nadu State Transport
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M.S.RAMESH, J.

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