



W.P.(MD)No.19465 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.19465 of 2022

S.Mohan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road,
Kumbakonam-612 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue the salary to the petitioner for the period disabled on service for non-issue of alternate employment from 29.10.1998 to 30.07.2010 as per Section 47 of the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act, 1995.



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For Petitioner : Mr.K.Gokul
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 17.08.2021 to disburse the salary for the period disabled on service for non-issuance of alternate employment from 29.10.1998 to 30.07.2010 as per Section 47 of the Persons with Disabilities (equal opportunities, protection of rights and full participation) 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



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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 respondents herein to consider the petitioner's representation dated 17.08.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 : Yes / No

ssb



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M.S.RAMESH, J.

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