

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.20099 of 2022

and

W.M.P.(MD).No.14626 of 2022

R.G.Naveen

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Represented by it's General Manager,
Bye pass Road,
Dindigul.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board for find out the petitioner's disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and thus render justice.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.S.Gladson Micheal Rajadurai,
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 respondent on 24.02.2022 seeking to refer the petitioner to Medical Board to find out the petitioner's disability and to provide him a suitable alternative permanent employment. 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 respondent 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 respondent herein to consider the petitioner's representation, dated 24.02.2022, 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. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

The General Manager,
The Management of
Tamilnadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye pass Road,
Dindigul.

W.P.(MD).No.20099 of 2022

M.S.RAMESH, J.

Lm

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