



W.P.No.19292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19292 of 2023

The Southern Railways Persons
with Disabilities Association,
(Sl.No.SRG/185/2022)
Rep. by its General Secretary,
A. Marimuthu,
having its office at
No.17/1, 1st Street, North Thirumalai Nagar,
Villivakkam, Chennai – 600 049.

... Petitioner

Vs.

1.Union of India,
Rep. by its Chairman,
Railway Board, Rail Bhavan,
Raisina Road, New Delhi – 110 001.

2.The General Manager,
Southern Railways,
NGO Main Building, Park Town,
Chennai – 3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner's Association dated 15.12.2022 for grant of recognition under the Rights of Persons with Disabilities Act, 2016, within a reasonable time.



W.P.No.19292 of 2023

For Petitioner : Mr.K. Venkataramani,
Senior Counsel
for Mr.M. Muthappan

For Respondents : Mr.R. Rajesh Vivekananthan
Deputy Solicitor General

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has given several representations to the respondents on 15.12.2022, 16.03.2023, 06.04.2023 and 10.05.2023, requesting to grant official recognition under the Rights of Persons with Disabilities Act, 2016. 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 orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the



W.P.No.19292 of 2023

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 15.12.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) 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.

28.06.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Sni

Note: Issue Order Copy on 11.07.2023



WEB COPY



W.P.No.19292 of 2023

M.S.RAMESH,J.

Sni

To

- 1.The Chairman,
Union of India,
Railway Board, Rail Bhavan,
Raisina Road, New Delhi – 110 001.
- 2.The General Manager,
Southern Railways,
NGO Main Building, Park Town,
Chennai – 3.

W.P.No.19292 of 2023

28.06.2023