



W.P.(MD).No.21401 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21401 of 2023

K.Duraisingakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
Bye Pass Road,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 11.08.2023 providing the petitioner 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 pay the petitioner's arrears of



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salary from 21.12.2022 to till the date of providing permanent alternative employment.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.S.Siva Balaji
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 11.08.2023 providing the petitioner 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 pay the petitioner's arrears of salary from 21.12.2022 to till the date of providing permanent alternative employment.

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



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3. The petitioner joined with the respondent Corporation as Driver from 2000 and had rendered 23 years of service. During the year 2009, while he was plying the bus on the Athipatti-Tirumangalam urban route, a few students attacked the bus plied by the petitioner. As a result of which, he sustained severe injury in his right eye. After surgery, his ailment increased and a First Information Report in Crime No.350 of 2009 of the Thirumangalam Police Station, dated 12.11.2009 was also registered as against the students, who involved in the aforesaid hooliganism. Later the petitioner was sent for medical examination to the Government Medical Officer as per the recommendation of the Medical Board and thereafter, he was given an alternate job of Security Guard at T.Kallupatti Branch on 22.11.2011. In the meanwhile, the petitioner almost lost 95% of his sight in the right eye. As a result of which, he was not able to continue in the present avocation and he made a representation on 11.08.2023 seeking alternate employment conducive to his health condition. However, the same was not considered. Hence, this writ petition came to be filed.

4. 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



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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.

5. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 11.08.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

01.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

BTR

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