



WP.(MD).No.918 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.918 of 2024

P.Dhanapal

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Tirunelveli – 627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Ranithottam, Nagercoil,
Kanyakumari District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 05.01.2024 and permitting the petitioner to continue in the service as Non-ITI Helper (Security Guard or Time Keeper) in the



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third respondent Office.

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For Petitioner
For Respondents

: Mr.V.Karuna
: Mr.K.Ramaiah
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus seeking to direct the respondents to consider the petitioner's representation dated 05.01.2024 and permitting the petitioner to continue in the service as Non-ITI Helper (Security Guard or Time Keeper) in the third respondent Office.

2.Heard Mr.V.Karuna, learned counsel appearing for the petitioner, Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents and perused the entire materials available on record.

3.The petitioner was initially appointed as a Conductor on 05.08.2008 in TNSTC, Vivekandapuram Branch, Kanyakumari. During the year 2017, he was affected with Myotonic Dystrophy/Sympathotonic Orthostatic Hypotension (SOH)/Epidural Hematoma (EDH) Disease. As a result of which, he was unable to continue his Conductor post. He was referred to the Medical Board



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and on the basis of the report received from the Medical Board dated 28.04.2017, the Board relieved the petitioner from the Conductor post. Thereafter, the second respondent vide proceedings dated 13.11.2018, re-designated the petitioner as a Non ITI Helper (Security Guard) under Section 47(1) of the Persons with Disabilities (Equal Opportunities Protection of Right and Full Participation) Act, 1995. Following which, the petitioner is working as a Non ITI Helper in the said Branch and then on 14.11.2018, he was further transferred to the third respondent office, wherein he is continuing his service for the past five years. While so, the respondent compelled the petitioner orally to work in Ticket and Cash Section as a Computer Operator to which he is not competent to. Hence, the petitioner sent a representation dated 05.01.2024 to the respondents 1 and 2 seeking to reinstate him in the service as Non-ITI Helper. 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 respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the



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same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5.In view of the same, without going into the merits, this Court hereby directs the respondents to consider the representation of the petitioner dated 05.01.2024 and to pass appropriate order in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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