



W.P.(MD).No.6603 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6603 of 2024

M.Poomony Raj

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai 600 009.
2. Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Chairman,
Head Office Tiruvalluvar Road,
Pallavan Salai, Chennai 600 002.
3. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
19, Trivandrum Road,
Vannarpettai, Tirunelveli 627 003.
4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Nagercoil Region, Ranithottam,
Nagercoil, Kanyakumari 629 001.
5. The Accountant General (Pay And Accounts),
Nandhanam, Chennai 35.

... Respondents



W.P.(MD).No.6603 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to forthwith continue to provide suitable permanent alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement i.e. 15.12.2022 to till date, on which, he is provided with alternative light duty as per section 20(4) of the Rights of Persons with Disabilities Act, 2016 within the time limit fixed by this Court.

For Petitioner : Mr. K. Gurunathan

For Respondents : Mr.J.K.Jayaselan (R1)
Government Advocate

Mr.K.Ramaiah (R3,R4)
Mr.P.Gunasekaran (R5)
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to forthwith continue to provide suitable permanent alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement i.e. 15.12.2022 to till date, on which, he is provided with alternative light duty as per section 20(4) of the Rights of Persons with Disabilities Act, 2016 within the time limit fixed by this Court.



W.P.(MD).No.6603 of 2024

WEB COPY

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Standing Counsels appearing for the respondents 3 to 5. Perused the materials on record.

4.The petitioner's wife was appointed as Auxiliary Nurse Midwife (ANM) in the respondent Department, vide proceedings, dated 17.04.1974 and she joined duty on 16.05.1974. Her probation was declared on 15.05.1977. While in service, she passed away on 06.11.1992. Despite her death, the family pension has not been sanctioned to the petitioner so far. In this regard, the petitioner made several representations to the respondents, last of which was made on 14.02.2024 and the same were not considered. Hence, this writ petition came to be filed.



W.P.(MD).No.6603 of 2024

WEB COPY

5. 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 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 the respondents to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents 1 to 4 to consider the representations of the petitioner 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.



W.P.(MD).No.6603 of 2024

WEB COPY

7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

19.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary, State of Tamil Nadu,
Transport Department,
Secretariat, Chennai 600 009.
2. The Chairman,
Tamil Nadu State Transport Corporation Ltd.,
Head Office Tiruvalluvar Road,
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3. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
19, Trivandrum Road,
Vannarpettai, Tirunelveli 627 003.
4. The General Manager,
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W.P.(MD).No.6603 of 2024

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.6603 of 2024

19.03.2024