



W.P.(MD).No.6053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6053 of 2024

M.Poornasundaram

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy Region,
Trichirappalli District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Moffussil Branch, Williams Road,
Contonment, Trichirappalli.

... 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 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



W.P.(MD).No.6053 of 2024

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. N. Sudhagar Nagaraj
For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to forthwith 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.

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.



W.P.(MD).No.6053 of 2024

Board to ascertain his health condition and it was confirmed that he is not fit to be a conductor.

(iii).Even then, on 13.11.2023, without issuing any prior notice, the second respondent refused to provide alternative employment to the petitioner and was orally terminated from the alternative duty. In view of the same, the petitioner made several representations to the respondents to provide him with alternative duty and the same were not considered. Hence, this writ petition came to be filed.

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.



W.P.(MD).No.6053 of 2024

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 second respondent to consider the representations of the petitioner positively and pass appropriate orders providing him with alternative employment forthwith, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

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

There shall be no order as to costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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W.P.(MD).No.6053 of 2024

Contonment, Trichirappalli.

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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.6053 of 2024**

13.03.2024



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W.P.(MD).No.6053 of 2024