



Dated : 21.03.2024

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6855 of 2024

... Petitioner

Vs.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider representation of the petitioner dated 11.01.2024.

For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondent : Mr.K.Ramasay
Standing Counsel

ORDER

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



WP.(MD).No.6855 of 2024

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondent to consider representation of the petitioner dated 11.01.2024.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a Driver in the respondent Corporation through employment exchange. During the routine medical fitness procedure of the Department, the petitioner underwent an eye test in Vasan Eye Care Hospital, Karur and was declared unfit for driving on the ground of Visual Impairment. Hence, the respondent by communication dated 25.05.2022 required the petitioner to appear before the Government Eye Hospital, Chennai. The petitioner has duly participated in the eye test in Chennai Government Eye Hospital on 23.03.2023 and it was reported that the petitioner was not fit for driving due to Visual Impairment. However, the respondent Corporation failed to assign him with any alternate job from 12.10.2023. Hence, the petitioner had given a representation to the respondent Corporation on 11.01.2024 seeking an alternate duty. However, the same was not considered. Hence, this Writ Petition came to be filed.



WP.(MD).No.6855 of 2024

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4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent and carefully perused the entire materials available on record.

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 respondent 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 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.

6. Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the respondent Corporation to forthwith provide the petitioner with an alternate right duty considering the representation dated 11.01.2024 based on the report of the Medical Board dated 23.03.2023.



WP.(MD).No.6855 of 2024

WEB COPY 7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

21.03.2024

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



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WP.(MD).No.6855 of 2024

To

The General Manager,
The Management of Tamil Nadu,
State Transport Corporation Ltd.,
(Kumbakonam Division),
Karur Region,
Karur.



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WP.(MD).No.6855 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.6855 of 2024

21.03.2024