



W.P.(MD).No.8068 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8068 of 2021

V.Nagarajan

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Bye Pass Road, Madurai 10.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Region, Madurai 10.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Thirumangalam Branch,
Madurai 10.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the Respondents to revise the petitioner's service benefits with effect from 01.07.2015 to 31.08.2017 and refix the pensionary benefits and other service benefits based on his representation dated 19.06.2020.

For Petitioner : Mr. P.Murugesan



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ORDER

This writ petition has been filed seeking a direction to the respondents to revise the petitioner's service benefits with effect from 01.07.2015 to 31.08.2017 and refix the pensionary benefits and other service benefits based on his representation dated 19.06.2020.

2.(i).The petitioner was appointed as a Driver in the First Respondent Corporation. While in service on 13.07.2015, he suffered heart attack, as a result of which, medical leave was sanctioned from 13.07.2015 to 26.07.2015.

(ii).Considering his health condition, he required the respondent to refer him to the Medical Board and since the same was not considered, he filed a writ petition in W.P(MD) No. 3715 of 2016 seeking to direct the respondent to refer him to the Medical Board. Pursuant to the order passed by this Court, the second respondent referred the petitioner to the Medical Board in Government Rajaji Hospital, Madurai, wherein, it was certified that the petitioner's health condition is not fit for the post of Driver and alternate work to be entrusted to him came as a suggestion from the Board.



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(iii).In view of the report, dated 13.07.2015, he sought to provide him with an alternative duty in terms of Section 47(1) Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995. However the same was not considered. Hence, he filed a writ petition in W.P(MD) No. 8327 of 2017 seeking to provide him an alternative employment with continuity of service and back wages from 13.07.2015 and this Court was pleased to pass an order directing the respondent to consider the representation of the petitioner within a period of eight weeks.

(iv).Even thereafter, the petitioner representation was not considered and in the meanwhile, he retired from service on 31.08.2017. Thereafter, he made a representation to the respondent on 19.06.2020 seeking to disburse his salary with effect from 01.07.2015 and the same was not considered, 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



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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 to consider the representation of the petitioner, dated 19.06.2020 and pass appropriate orders in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order. There shall be no order as to costs.

30.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

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