



WP(MD) No.9897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9897 of 2024
and
W.M.P(MD)Nos.8972 & 8974 of 2024

P.Arjunan

... Petitioner

Vs.

1.The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.



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3.The Deputy Manager (Works)

Thuvakudi RC Unit,

Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,

Thuvakudi,

Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to forthwith continue to provide petitioner as suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 09.12.2023 to till the date on which he provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Ramaiah

Standing Counsel



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ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents to forthwith continue to provide petitioner as suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 09.12.2023 to till the date on which he provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016.

2. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel for the respondents.

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

4. The petitioner herein had given a representation to the respondents 1 and 2 on 02.04.2024 seeking to provide



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alternative employment without any break and to pay wages to him for the disengagement period. Since the said representation has not been considered, the present writ petition has been 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.



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6. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the respondents herein to consider the petitioner's representation, dated 02.04.2024 and pass appropriate orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits. No costs. Consequently, connected miscellaneous petitions are closed.

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

RM



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To
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Thuvakudi RC Unit,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Thuvakudi,
Trichy.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9897 of 2024

23.04.2024