



W.P.(MD)No.17693 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17693 of 2025

T.Rajendran

... Petitioner

-VS-

1.The Managing Director,
State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

2.The General Manager,
State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

3.The Branch Manager,
Sencottai Branch,
State Express Transport Corporation,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to give alternative employment other than Driver and Conductor in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, by considering the petitioner's representation dated 25.03.2024 and pass suitable orders on merits and in accordance with law, within the period that may be stipulated by this Court.



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For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.K.Senthil Kumar
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to provide the petitioner with alternative employment, other than that of Driver or Conductor, in accordance with Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, by considering the petitioner's representation dated 25.03.2024 and pass appropriate orders on merits and in accordance with law, within a time frame that may be fixed by this Court.

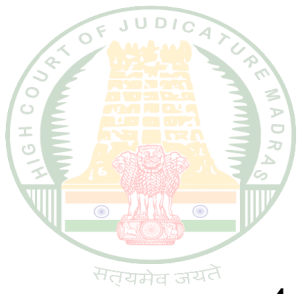
2. The petitioner is employed as a Driver and Conductor under the first respondent. Due to a sudden loss of memory and other associated illnesses, the petitioner was admitted to the hospital and was diagnosed with a Left Posterior Cerebral Artery Territory Infarct. Pursuant to this, the petitioner was referred to the Medical Board at Tirunelveli, which declared him unfit to perform the duties of Driver and Conductor. Subsequently, he was referred to the Special Medical Board at Chennai, which also declared him unfit for the said posts and



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recommended that he be assigned alternative suitable work. Despite the medical recommendations, the petitioner was neither allotted any alternative work nor reinstated in any other capacity. Instead, the third respondent continued to mark him as absent. The petitioner submitted a representation dated 25.03.2024, seeking alternative employment in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He also submitted repeated follow-up representations seeking similar relief. However, the said representations have not been considered and remain unattended, forcing the petitioner to approach this Court by way of the present writ petition.

3. 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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 23.04.2025, on its own merits and pass appropriate orders in accordance with law, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

5. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

Index : Yes / No

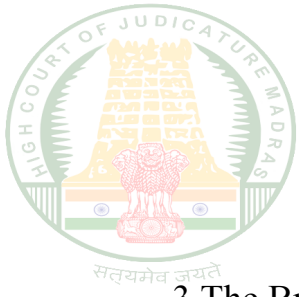
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To:-

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VIVEK KUMAR SINGH, J.

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