

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27908 of 2013

M.Mohan Raj

..Petitioner

vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation(Salem) Ltd.,
Ramakrishna Salai,
Salem.

2.The General Manager,
Tamil Nadu State Transport
Corporation(Salem)Ltd.,
Ramakrishna Salai,
Salem.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to consider the petitioner for the recruitment of Conductors in the Respondent Corporation by relaxing the age criteria by taking into account of the petitioner's temporary service as Conductor in the Respondents Corporation for more than 6 years.

For Petitioner : M/s.G.Purushothaman

For Respondents : Mr.P.Paramasivadoss

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the petitioner for the recruitment of Conductors in the Respondent Corporation by relaxing the age criteria by taking into account the petitioner's temporary service as Conductor in the Respondents Corporation for more than 6 years.

2.This Court is of the firm opinion that relaxation can never be granted in a routine manner. Rule of relaxation is an exception and the power of relaxation can be exercised by the competent authorities only to mitigate the injustice. The power

of relaxation is to be exercised sparingly in order to extend the benefit only on exceptional circumstances, if the authority is of the opinion that there is a need for the same and by recording the reasons. However, in the case on hand, the learned counsel for the petitioner states that the petitioner has already served for about six years on temporary basis. That alone will not constitute a ground and it is for the respondents to consider all these aspects.

3.Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 31.07.2013 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to enclose a copy of the representation along with the order passed in this writ petition.

3.Accordingly, the writ petition stands disposed of. However, there shall be no orders as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport
Corporation(Salem) Ltd.,
Ramakrishna Salai,Salem.

2.The General Manager,
Tamil Nadu State Transport
Corporation(Salem)Ltd.,
Ramakrishna Salai,Salem.

+1cc to Mr.P.Paramasivadosh, Advocate SR.No.81094
+1cc to Mr.G.Purushothaman, Advocate SR.No.80665

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GN(05/12/2017)