



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.2102 of 2020

G.Krishnamoorthy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Ltd.,)
Vanarrapettai, Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli Ltd.,)
Tirunelveli Region, Vannarapettai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to re-designated the petitioner as Junior Assistant retrospectively from the date on which the petitioner obtained the Degree Qualification in the same manner the posts of the persons who were working along with the petitioner as Record Clerks were re-designated as Junior Assistant from the date of their acquiring degree in the light of the order of this Court in W.P.(MD)Nos.11076 of 2014, 11476 of 2014 and 4479 of 2015 by the order dated 12.10.2015 and W.P.(MD)No.7844 of 2018 by order dated 11.04.2018, W.A.(MD)No.391 of 2017 order dated 13.04.2017.

For Petitioner	: Mr.M.Lingadurai
For Respondent	: Mr.R.Rajamohan, Standing Counsel.

ORDER

Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to re-designate the petitioner as Junior Assistant retrospectively from the date on which he obtained the Degree Qualification, in the same manner the posts of the persons who were working along with him as Record Clerks were re-designated as Junior Assistant from the date of their acquiring degree in the light of the order of this Court in W.P.(MD)Nos.11076 of 2014, 11476 of 2014 and 4479 of 2015 by the order dated 12.10.2015 and W.P.(MD)No.7844 of 2018 by the order dated 11.04.2018, W.A.(MD)No.391 of 2017 order dated 13.04.2017, in my view, such a decision is to be taken by the respondents and in case,



the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

2.The petitioner would submit that he has already made a representation on 18.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

3.Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4.In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 18.01.2020, in the light of the order of this Court in W.P.(MD)Nos.11076 of 2014, 11476 of 2014 and 4479 of 2015 by the order dated 12.10.2015 and W.P.(MD)No.7844 of 2018 by the order dated 11.04.2018, W.A.(MD)No.391 of 2017 order dated 13.04.2017, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

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/ /2020

Sub Assistant Registrar(CS)

gns
To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Ltd.,)
Vanarrapettai, Tirunelveli.



2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli Ltd.,)
Tirunelveli Region, Vannarapettai,
Tirunelveli.

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+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-7954[F] dated 24/02/2020)

W.P. (MD) No.2102 of 2020

KK(10.06.2020) 3P 4C