



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

CORAM:

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

W.P. (MD) No.3588 of 2020

and

W.M.P (MD) No.3030 of 2020

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K.Mahalingam

... Petitioner

/vs./

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

3.R.Ramkumar,
Assistant Engineer & Branch Manager (In-charge),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Ariyalur Branch, Ariyalur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for records pertaining to the impugned orders of punishment passed by the second respondent in TNSTC/D6/ADP/135/2010 dated 31.12.2010 and TNSTC/D6/ADP/087/2010 dated 31.12.2010 imposing the punishment of fine of Rs.200/- and Rs.50/- respectively and order passed by the second respondent in Ref.No.TNSTC/KUM/E1/781/2010-11 dated 08.06.2011, quash the same insofar as regularizing the services of the petitioner only from 01.02.2011 in the post of Assistant Engineer instead of regularizing his services in the post of Assistant Engineer with effect from 23.09.2010 the date on which the services of his juniors were regularized and consequently direct the respondents to regularize the services of the petitioner with effect from 23.09.2010 and to re-fix his seniority in the post of Assistant Engineer by placing the petitioner's name over and above the name of Mr.R.Ramkumar in the seniority list of Assistant Engineers (B.E Holders) of the first respondent corporation published by the first respondent on 20.12.2017 and to direct the respondents to grant his consequential attendant service and monetary benefits by considering the representations of the petitioner dated 17.06.2011, 23.12.2017 and 16.07.2019.



For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian
Standing Counsel

ORDER

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By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of a writ of certiorarified mandamus, to quash the impugned orders passed by the second respondent and re-fix his seniority in the post of Assistant Engineer, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 16.07.2019 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

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 submission made by the petitioner and in the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 16.07.2019, on its own merits and pass appropriate orders within a period of eight (8) 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 his representation and it is for the first respondent to consider it in accordance with law. In case, the petitioner is aggrieved against such a decision taken by the first respondent, it would be appropriate to approach this Court.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:-

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1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-7608[F] dated
21/02/2020)

+1 CC to Mr.A.RAHUL, Advocate (SR-7698[F] dated 21/02/2020)

Order made in
W.P. (MD) No.3588 of 2020
21.02.2020

VB(10.03.2020) 3P 5C