



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5668 of 2020

S.Nagarajan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
27, New Railway Station Road,
Kumbakonam.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to sanction subsistence allowance for the period from 20.11.2018 to 30.08.2019 while he was placed under suspension within a stipulated time.

For petitioner

: Mr.G.M.Xavier

For respondent

: Mr.P.Balasubramanian

ORDER

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

2. The learned counsel for the petitioner submitted that he has appointed as Conductor in the respondent Corporation during the year 2006 and he has rendered 13 years of unblemished record of service. While so, he was issued with a charge memo on 20.11.2018 and he was placed under suspension from 20.11.2018 to 30.08.2019. The grievance of the petitioner is that he has not been paid subsistence allowance during the suspension period. Though he has sent a representation in this regard to the respondent on 29.10.2019, the same has not been considered by the respondent till date. Hence, he has come up with this writ petition.

3.The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger relief, it would suffice if a direction is given to the respondent to consider the representation of the petitioner dated 29.10.2019 within a stipulated time.

4. The learned counsel appearing for the respondent submitted that the representation of the petitioner would be considered by the respondent as early as possible.



5. 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 a stipulated time.

6. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 29.10.2019 and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 29.10.2019, along with a copy of this order to the respondent for early consideration of the matter.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gcg

To

The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
27, New Railway Station Road,
Kumbakonam.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-12879[F] dated
23/03/2020)

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KB(26/05/2020) 2P 3C