



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.1282 of 2019

T.R.Thulasiraman

...Petitioner

Vs

1. The Managing Director,
Central Warehousing Corporation,
Corporate Office at:
No.4/1, Siri Institutional Area,
August Kranti Marg, Hauz Khas,
New Delhi - 110 016.

2. The Regional Manager,
No.4, North Avenue,
Srinagar Colony,
Saidapet, Chennai - 600 015.

3. The Manager,
Container Fright Station,
No.105, Arcot Road,
Virugambakkam,
Chennai - 600 092.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to declare the probation on completion of the probation period of one year i.e., with effect from 19.03.2015 and pay the increments with all arrears and consequential benefits by considering the representation dated 26.11.2018.

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Naganathan

For Respondents: Mr.Ashok Menon

ORDER

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



2. The prayer in the present writ petition is for an issuance of writ of mandamus directing the first respondent to consider the petitioner's representation dated 26.11.2018, in which the petitioner has sought for declaration of his probation on completion of the probation period of one year with effect from 19.03.2015.

3. According to the petitioner, Regulation 10A of the Central Warehousing Corporation (Staff) Regulations, 1986 provides that, every person regularly appointed to any post either by direct recruitment or by promotion shall be in probation for a minimum period of one year from the date of assuming the charge. Accordingly, the petitioner had represented before the authorities that, since he had completed his probation with effect from 19.03.2015, in the promoted post, he would be entitled for the increments with arrears and all consequential benefits. The petitioner has sent a representation dated 26.11.2018 to declare the probation on completion of one year from the date of assuming the post of Storage and Inspection Officer, which is still pending.

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

5. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 26.11.2018 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 26.11.2018 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above direction, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

hvk

To

1. The Managing Director,
Central Warehousing Corporation,
Corporate Office at:
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+2 Ccs to Mr. Ashok Menon, Advocate sr 33564
+1 CC to Mr. N. Naganathan, Advocate sr 33343.

W.P.No.1282 of 2019

GPL (CO)
SP(22/07/2021)