

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 18.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.20810 of 2012

D.Parthiban

... Petitioner

Vs.

1.The General Manager,
Metropolitan Transport Corporation,
Chennai Limited, Pallavan Salai, Chennai.

2.The Works Shop Manager,
Metropolitan Transport Corporation,
Chennai Limited, PRD-Pattulla Salai Branch,
Chennai District.

3.Dharmalingam

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider and dispose the petitioner representation dated 09.05.2012 to provide the duty to the petitioner and to take necessary action against the second and third respondents and to pay the salary to the petitioner for the period from 09.05.2012 onwards to till the work is allotted to the petitioner by way of deducting the said amount from the salary of Mr.Dharmalingam the Branch Manager the second and third respondent herein within a time frame.

For Petitioner : Mr.R.Y.George Williams

For Respondents 1 & 2: Mr.V.R.Kamalanathan
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the first respondent to consider and dispose the petitioner representation dated 09.05.2012 to provide the duty to the petitioner and to take necessary action against the second and third respondents and to pay the salary to him for the period from 09.05.2012 onwards to till the work is allotted

to the petitioner by way of deducting the said amount from the salary of Mr.Dharmalingam the Branch Manager the second and third respondent herein.

2.The petitioner was an employee of the respondent Transport Corporation and with regard to his grievance to give alternative job and also to calculate the wages payable to the petitioner for the period where allegedly the job was not given to him or work was not given to him, it seems that, he has approached the respondents by giving a representation dated 09.05.2012. However the said representation, though having been received by the respondents, according to the petitioner, was not considered and nothing was forthcoming from the respondents, therefore, to consider the representation and to pass an order, seeking a direction by way of mandamus, he has filed this writ petition with the aforesaid prayer.

3.Heard Mr.R.Y.George Williams, learned counsel appearing for the petitioner, who has reiterated the above and seeks indulgence of this Court.

4.Heard Mr.V.R.Kamalanathan, learned Standing Counsel appearing for the respondents 1 and 2, who, on instruction, would submit that, since the representation said to have been given on 09.05.2012, followed by the writ petition filed in the year 2012, therefore all these years, whether the said representation has not been considered or not, is to be ascertained. Assuming that, the representation still has not been considered, the same would be considered by the respondents on merits and in accordance with law within a time frame that may be stipulated by this Court.

5.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6.In view of the innocuous nature of the prayer sought for herein and by taking into account the submissions made by the learned counsel for the parties especially the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 09.05.2012 if not already considered and disposed and decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.With this direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

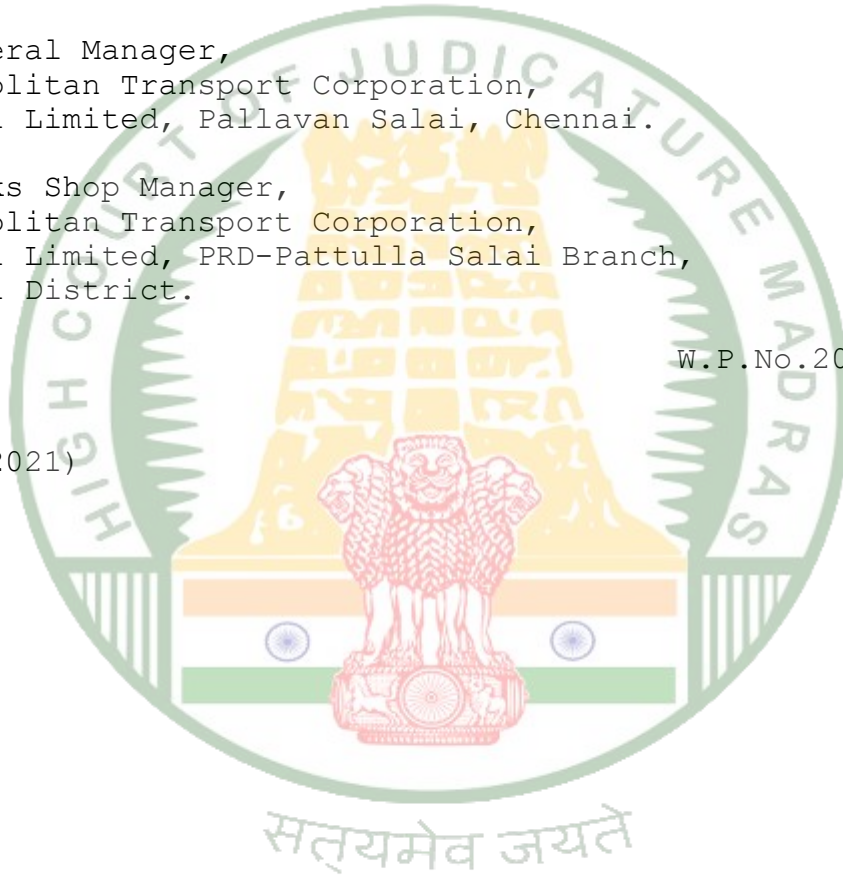
Sgl

To

- 1.The General Manager,
Metropolitan Transport Corporation,
Chennai Limited, Pallavan Salai, Chennai.
- 2.The Works Shop Manager,
Metropolitan Transport Corporation,
Chennai Limited, PRD-Pattulla Salai Branch,
Chennai District.

W.P.No.20810 of 2012

PMK (CO)
CB (01/04/2021)



WEB COPY