



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3893 of 2021

G.M.Prabhu

...Petitioner

Vs.

1.The Secretary to Government,
Tamilnadu State Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The General Manager,
Formerly Cheran Transport Corporation,
Now TNSTC (Tamil Nadu State Transport Corporation)
No.37, Mettupalayam Road,
Coimbatore-43.

3.The General Manager,
Formerly Cheran Transport Corporation,
Now TNSTC (Tamil Nadu State Transport Corporation),
Coimbatore Division III,
Ooty, -Udhagamandalaam-1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Madamus, to call for the records relating to the proceedings in Letter No.94/இ3டி/பது-1/தஅபோக (கோ)/2010 dated 19.02.2010 on the file of the second respondent and quash the same as illegal arbitrary and unenforceable, consequently direct the respondents to provide compassionate appointment for the petitioner by considering his representation dated 13.01.2021 within the time to be stipulated by this Court.

For Petitioner	: Mr.I.Kanna Patel
For R-1	: Mr.P.Mahendran Additional Government Pleader
For R-2 and R-3	: Mr.D.Sivaraman Standing Counsel

O R D E R

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 Writ of Certiorarified Madamus, to quash the impugned proceedings in Letter No.94/இ3டி/பது-1/தஅபோக (கோ)/2010 dated 19.02.2010 on the file of the second respondent and consequently, to direct the



respondents to provide compassionate appointment to him, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 13.01.2021 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

3. 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.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 13.01.2021, 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 view 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.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 13.01.2021, in the light of G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government,
Tamilnadu State Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The General Manager,
Formerly Cheran Transport Corporation,
Now TNSTC (Tamil Nadu State Transport Corporation)
No.37, Mettupalayam Road,
Coimbatore-43.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-8088[F] dated 02/03/2021)

+1 CC to Mr.I.KANNA PATEL, Advocate (SR-8214[F] dated 02/03/2021)

+1 CC to M/s.SPL GP (SR-8202[F] dated 02/03/2021)

W.P. (MD) No.3893 of 2021
01.03.2021

VB (22.03.2021) 3P 6C