



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5662 of 2021

WEB COPY

Chokkalingam

... Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 20.02.2021 for treating the period of 824 days of his disengagement from duty on account of the disability suffered by the petitioner, as duty for all purposes including for counting for seniority, Review, Annual Increment, Promotion and for pension.

For Petitioner : Mr.A.Rahul
For Respondents : 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.Since the petitioner's request to the respondents to treat the period of 824 days of disengagement from duty on account of the disability suffered by him, as duty for all purposes including for counting for seniority, Review, Annual Increment, Promotion and for pension was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.02.2021, which is still pending.



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 20.02.2021, 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 20.02.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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-III)

// 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.



To

1.The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

+1 CC to M/s.A.RAHUL, Advocate (SR-11114[F] dated 15/03/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11311[F] dated 16/03/2021)

W.P.(MD) No.5662 of 2021

nsm(CO)

TR(31.03.2021) 3P 5C