



WEB COPY

W.P.(MD) No.6123 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.6123 of 2021

J.Rajini

... Petitioner

Vs

1.The Secretary,  
Transport Department,  
St.George Fort,  
Chennai.

2.The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai),  
Madurai.

3.The General Manager,  
Tamil Nadu State Transport  
Corporation (Madurai) Ltd.,  
Dindigul District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 2 and 3 to regularize the service of the petitioner and release all the benefits attached to it including arrears of pay from the date of his original appointment viz., 10.07.2015 as a driver in the respondent corporation within a stipulated as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar

For R-1 : Mrs.V.P.M.Vaishnavi  
Standing Counsel

For R-2 and R-3 : Mr.J.Senthilkumaraiah  
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.The grievance of the petitioner is that though he was originally appointed on 10.07.2015, his services have not been regularised till date. Hence, the present writ petition has been filed.

WEB COPY

3.The writ petition seeking for issuance of writ of mandamus, will not normally lie unless and until the petitioner approaches the concerned Authority to redress his grievances and then if there is no further action on his representation, this Court may be justified in exercising its powers under Article 226 of Constitution of India for dereliction of the duties of the Statutory Authority for not considering the petitioner's request. In the present case, admittedly the petitioner has not approached the respondents seeking for his promotion. As such, it would not be appropriate for this Court to step into the shoes of the Statutory Authority and direct them to issue promotion order. Nevertheless, if the petitioner is granted liberty to approach the concerned Authority ventilating his grievance, with the consequential direction to the Authority to consider such representation, the ends of justice could be secured.

4.In the light of the above observations, the petitioner is granted liberty to make a representation to the second respondent ventilating his grievances and on receipt of such representation, the second respondent herein shall consider the same on its own merits and take appropriate course of action in accordance with law, as expeditiously as possible, in any event, within a period of three months from the date of receipt of the representation.

5.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 Secretary,  
Transport Department,  
St.George Fort,  
Chennai.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai),  
Madurai.
- 3.The General Manager,  
Tamil Nadu State Transport  
Corporation (Madurai) Ltd.,  
Dindigul Region.

+1 CC to M/s.SPL GP ( SR-12566[F] dated 19/03/2021 )

**W.P. (MD) No.6123 of 2021**

**18.03.2021**

=

(CO)  
HB (24.04.2021) 3P 5C