



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.6395 of 2021

and

W.M.P (MD) No.4993 of 2021

WEB COPY

P.Suresh

...Petitioner

Vs.

1.The Transport Commissioner,
Transport Department,
Chepauk, Chennai-05.

2.The Deputy Transport Commissioner,
O/o. the Collectorate Campus,
Virudhunagar District.

3.The Regional Transport Officer,
O/o. the Regional Transport Officer,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to regularize the petitioner to the sanction post of Jeep Driver (consolidated pay) with the third respondent office on completion of two year service by considering the representation dated 08.03.2021 and 12.03.2021 made by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.P.Mahendran

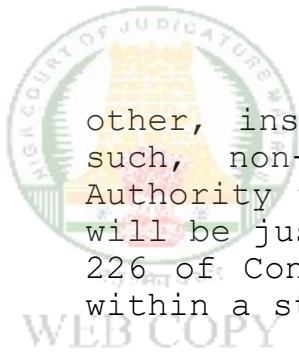
Additional Government Pleader

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 regularize him to the sanction post of Jeep Driver (consolidated pay) with the third respondent office was not considered, the Writ Petition has been filed. According to the petitioner, he has made the representations in this regard on 08.03.2021 and 12.03.2021, which are 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 first respondent herein to consider the petitioner's representations dated 08.03.2021 and 12.03.2021, 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 first respondent to consider the petitioner's representations dated 08.03.2021 and 12.03.2021, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

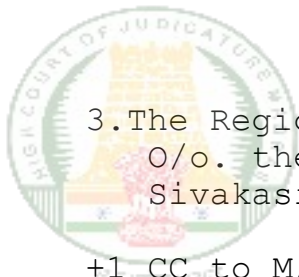
In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Transport Commissioner,
Transport Department,
Chepauk, Chennai-05.

2. The Deputy Transport Commissioner,
O/o. the Collectorate Campus,
Virudhunagar District.

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



3.The Regional Transport Officer,
O/o. the Regional Transport Officer,
Sivakasi, Virudhunagar District.

+1 CC to M/s.SPL GP (SR-12988[F] dated 23/03/2021)

+1 CC to M/s.I.PINAYGASH, Advocate (SR-12866[F] dated 22/03/2021)

W.P.(MD) No.6395 of 2021
22.03.2021

TP(CO)
KB(13.05.2021) 3P 6C