



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9853 of 2019

WEB COPY

A.Singaravelu

...Petitioner

Vs.

1.State Express Transport Corporation (Tamil Nadu) Ltd.,
Rep by it's Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

2.The General Manager (Administration),
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of declaration, declaring the action of the respondents in so far as recovering a sum of Rs.10,080/- from the salary of petitioner's July 2017 salary under the heads of "ODPAY", towards "Non-implemented punishment of increment cut", quash the same as illegal and inconsequence, direct the respondents to refund the recovered amount of Rs.10,080/- together with 18% interest p.a to him, from the date of recovery to till the date of payment.

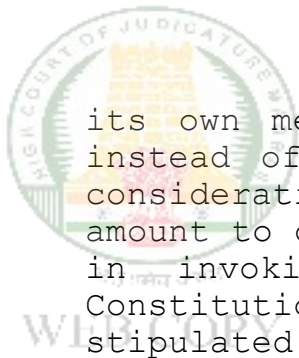
For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiya Singh
Standing counsel

O R D E R

Since the petitioner's request to the respondents to refund the recovered amount of Rs.10,080/- from his salary under the head of "ODPAY", towards "Non-implemented punishment of increment cut" was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 22.01.2019, which is still pending.

2. 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.

3. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 22.01.2019, 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.

4. Accordingly, there shall be a direction to the respondents to consider the petitioner's representation dated 22.01.2019, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

2. The General Manager (Administration),
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.



+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-2495[F] dated 29/01/2021)

+1 CC to Mr.A.K.THANGAVELU, Advocate (SR-2520[F] dated 01/02/2021)

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(CO)

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