



WEB COPY



W.P.No.22404 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22404 of 2019

R. Rajendiran

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Villupuram – 605 602.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to re-fixation of the revised salary by treating continuity of service on the basis of the order passed by this Court in W.P.No.3032 of 2012 dated 27.07.2015.

For Petitioner : No appearance

For Respondent : Mr.M. Aswin

ORDER

The petitioner herein had given representation dated 23.03.2018, requesting the respondent for re-fixation of the salary with continuity of



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service and disbursement of arrears. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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. Since the representation given by the petitioner dates back to the year 2018, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.



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4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondent herein, ventilating his grievances. On receipt of the same, the respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

09.12.2022

Index : Yes/No

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To

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Villupuram – 605 602.



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M.S.RAMESH,J.

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