



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.12598 of 2022

Tamilnadu Arasu Pokkuvarathu Kalaga Thozhilargal
Urimai Meetpu Sangam,
6-771, Kanchiravilai,
Eraniel,
Neiyur Post,
Kanyakumari District.

Represented by its Secretary
S.Rajendran

... Petitioner

Vs.

1.The Commissioner and Secretary,
Transport Department,
Government of Tamilnadu,
Fort St.George,
Chennai-9.

2.The Managing Director,
Tamilnadu State Transport Corporation Limited,
Pallavan Salai,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing respondents 1 and 2 to consider the representations dated 10.10.2021 and 17.05.2022 of Tamilnadu Arasu Pokkuvarathu Kalaga Thozhilargal Urimai Meetpu Sangam, Kanchiravilai Village, Eraniel, Neiyur Post, Kanyakumari District by inviting the trade union to participate in all forthcoming meetings for implementation of 14th pay commission for TNSTC employees.

For Petitioner	:	Mr.R.Jeyaraj
For R-1	:	Mrs.D.Farjana Ghoushia, Special Government Pleader.
For R-2	:	Mr.D.Jebaraj, Standing Counsel.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.



2. The petitioner herein had given representations to the respondents on 10.10.2021 and 17.05.2022 seeking to invite their trade union in the meetings scheduled for implementation of 14th Pay Commission for TNSTC employees. Since the said representations were not considered, the present Writ Petition has been filed.

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, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 10.10.2021 and 17.05.2022 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 a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Lm/Nsr

To

1.The Commissioner and Secretary,
Transport Department,
Government of Tamilnadu,
Fort St.George,Chennai-9.

2.The Managing Director,
Tamilnadu State Transport Corporation Limited,
Pallavan Salai,Chennai.

+1 CC to M/s.D. JEBARAJ, Advocate (SR-27518[F] dated 22/06/2022)
+1 CC to M/s.SPL.GP (SR-27438[F] dated 22/06/2022)

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