



W.P.(MD)No.13860 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.13860 of 2022

S.Manickavasagam

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Byepass Road,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to regularize the petitioner's service as Driver on par with the 16 Drivers selected by the second respondent vide his proceedings in Ref.Admn.P1:3040-1, dated 16.05.2015 with seniority and all other benefits on the basis of his representation dated 20.06.2022.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.C.Herold Singh
Standing Counsel



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ORDER

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

2. The petitioner herein had given a representation to the respondents on 20.06.2022 seeking for regularisation of his service as Driver on par with the 16 Drivers selected by the second respondent vide his proceedings in Ref.Admn.P1:3040-1, dated 16.05.2015 with seniority and all other benefits. Since the said representation was 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



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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 representation dated 20.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

No costs.

01.07.2022
(2/2)

Index : Yes / No

Speaking Order : Yes / No

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M.S.RAMESH, J.

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