



W.P(MD).No.13880 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P(MD).No.13880 of 2022

P.Gunasekaran

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.
- 3.The Managing Director,
The Metropolitan Transport
Corporation (Chennai) Limited,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai-600 002.
- 4.The Branch Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region,



W.P(MD).No.13880 of 2022

Mannachanallur Branch,
Trichirapalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to sanction the following benefits.

A. First Inspection Benefits was not sanctioned from 01.01.2007

B. Second Inspection Benefits (13th year inspection benefit was not sanctioned from 01.01.2013.

C. 2nd weightage which is to be sanctioned on completion of 20 years service has not been sanctioned.

D. Third Inspection Benefits was not sanctioned on completion of 21st year of service.

and further direct the respondents 1 to 4 herein to sanction the arrears of monetary benefits eligible to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader
for R1
Mr.K.Jagadees Balan,
Standing Counsel for R2 to R4



W.P(MD).No.13880 of 2022

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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 07.02.2022 seeking for increment and arrears of monetary 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 in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



W.P(MD).No.13880 of 2022

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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 07.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period of 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.

01.07.2022

Index:Yes/No
Speaking order/Non-speaking order
ssb



W.P(MD).No.13880 of 2022

WEB COPY

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W.P(MD).No.13880 of 2022

M.S.RAMESH,J.

ssb

W.P(MD).No.13880 of 2022

01.07.2022