



WP(MD)No.16217 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16217 of 2022

S.Chelladurai

... Petitioner

/vs./

- 1.The Managing Director,
Tamilnadu State Transport Corporation (MDU) Limited,
Bye-pass Road, Madurai-625 016.
- 2.The Managing Director,
State Express Transport Corporation (TN) Limited,
No.2, Pallavan Salai, Chennai-600 002.
- 3.The FA & CAO,
Tamilnadu State Transport Corporation (MDU) Limited,
Bye-pass Road, Madurai-625 016.
- 4.The Senior Deputy Manager (HRD),
Tamilnadu State Transport Corporation (MDU) Limited,
Bye-pass Road, Madurai-625 016.
- 5.The General Manager,
Tamilnadu State Transport Corporation (MDU) Limited,
Dindiugl Region Bye-pass Road,
Dindiugl.



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6.The Assistant Manager (Administration),
Tamilnadu State Transport Corporation (MDU) Limited,
Dindigul Region, Bye-pass Road,
Dindigul.

7.The Branch Manager,
SETC (TN) Limited, Marthandam Branch,
Marthandam (Post),
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents for the confirming the service after the completion of 240 days daily wage period on 20.6.2015 instead of 06.01.2018 vide order, dated 29.05.2018, as per the 12(3) Wage Settlements and the High Court Order with retrospective effect from the date of 240 days daily wage period and hence the respondents to pay the payment of difference in salary from 20.06.2015 to 22.07.2016 for 2 years and further consequently direct the respondents to disburse the difference in salary amount of the above said period, together with interest at the rate of 6% per annum payable as per Court direction from the date for dailywage period completion to till the date of actual payment, in one installment to the petitioner as per the representation date on 24.01.2022, within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.K.Gokul

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 24.01.2022 seeking for confirming the service after the completion of 240 days daily wage period on 20.6.2015 instead of 06.01.2018 and to pay the payment of difference in salary from 20.06.2015 to 22.07.2016 for 2 years together with interest. 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



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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 24.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

25.07.2022

Index : Yes / No
Internet : Yes / No
btr



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M.S.RAMESH, J.

btr

Order made in
W.P.(MD)No.16217 of 2022

Dated:
25.07.2022