



WP(MD)No.20809 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

CORAM:

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

W.P.(MD)No.20809 of 2022

S.Sebastian

... Petitioner

/vs./

1.The Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. by its Managing Director,
Head Office,
Palanganatham Bye-pass Road,
Madurai-625 010.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
Collectorate Post,
Dindigul-624 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to dispose of the petitioner's representation dated 18.04.2022 requesting for implementation of the



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order passed by the Authority under the Tamil Nadu Industrial Establishment (conferment of Permanent Status to Workmen) Act, 1981 and Assistant Commissioner of Labour (Enforcement), Dindigul, made in Pa.Nee.Sa.Va.No. 105/2014 (Na.Ka.No.A4/3628/2014) dated 30.03.2022 by paying his salary and allowance applicable to the cadre of Helper for the period 23.03.1985 to 31.03.2022; to treat the period from 23.03.1985 to 31.03.2022 as duty period and settle the terminal benefits and also to pay monthly pension from 01.04.2022 onwards within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.K.Ramaiah
Standing Counsel

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 second respondent on 18.04.2022 requesting to implement the order passed by the Authority under the Tamil Nadu Industrial Establishment (conferment of Permanent Status to



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Workmen) Act, 1981 and Assistant Commissioner of Labour (Enforcement), Dindigul, made in Pa.Nee.Sa.Va.No.105/2014 (Na.Ka.No.A4/3628/2014) dated 30.03.2022 by paying his salary and allowance applicable to the cadre of Helper for the period 23.03.1985 to 31.03.2022 and to treat the period from 23.03.1985 to 31.03.2022 as duty period and settle the terminal benefits and also to pay monthly pension from 01.04.2022 onwards. 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.



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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 18.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

02.09.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.



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Order made in
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