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W.P.No.6395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6395 of 2023

Syed Mahaboob Aslam

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport Department,
(Chairman, State Transport Undertaking),
Secretariat, Chennai – 600 009.
- 2.The Secretary,
Pension Trust,
(TNSTC, SETC & MTC)
No.2, Pallavan Illam,
Pallavan Salai, Chennai – 600 002.
- 3.The Managing Director,
Head Office, Tamil Nadu State Transport Corporation,
Salem Region,
No.12, Ramakrishna Road,
Salem – 636 007.
- 4.The General Manager,
Head Office, Tamil Nadu State Transport Corporation,
Salem Region,
No.12, Ramakrishna Road,
Salem – 636 007.



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5.The Branch Manager,
Johnsonpet Branch – II,
Tamil Nadu State Transport Corporation,
Salem Region,
Johnsonpet, Salem – 636 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 & 4 to make the payment of 50% back wages with 7% interest from the date of dismissal from service as per the proceedings in Ka.No.E1/2721/TNSTC (Salem)/2012 dated 01.08.2012 and calculation Memo No.E5/150/TNSTC (Salem)/2012 dated 14.08.2012 which was approved by the Superintendent (Pay Bills), TNSTC, Salem Division-1 dated 13.03.2013.

For Petitioner : Mr.V. Elangovan

For Respondents : Mr.R.V. Dinesh Kumar, [R1 & R2]
Additional Government Pleader

ORDER

Mr.R.V. Dinesh Kumar, learned Additional Government Pleader, takes notice for the respondents 1 and 2. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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2. The petitioner herein had given representation on 10.12.2022 to the respondents, requesting them to pay 50% back wages arrears with 7% 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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the third and fourth respondents herein, to consider the petitioner's representation dated 10.12.2022 on its own merits and pass appropriate



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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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH, J.

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