



WEB COPY



W.P.No.18057 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18057 of 2023
& WMP.No.17235 of 2023

R.Gunasekar

... Petitioner

Vs.

1.The Secretary to Government,
Department, Government of
Tamil Nadu, Fort St.George,
Chennai-9.

2.The Managing Director,
Tamil Nadu State Transport
Corporation, Villupuram Division,
Villupuram.

3.The General Manager,
Tamil Nadu State Transport
Corporation, Villupuram
Division-I, Villupuram.

4.The Deputy Director,
Industrial Safety & Health,
No.36, Sudakar Nagar,
Villupuram-605602.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



W.P.No.18057 of 2023

praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 07.10.2022 within a time frame stipulated by this Court and refund the deducted amounts of Rs.1,175/- in the month of May 2022 under the caption 'LPF SLANKA' and a sum of Rs.1,248/- in the month of September 2022 under the caption 'SPL FUND' from the salary of the petitioner in DR4087-V1D000251.

For Petitioner : Mr.W.M.Abdul Azeez

For Respondents 1 & 4 : Mr.S.Prabhakaran,
Government Advocate

For Respondents 2 & 3 : Mr.K.Raja

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to respondents 1 and 4 and two others on 07.10.2022 seeking to take action against respondents 2 and 3 and enquire into the arbitrary deduction of pay of more than 3000 workers in the Tamil Nadu State Transport Corporation without any notice. Since the said representation has not yet been considered, the



W.P.No.18057 of 2023

Writ Petition has been filed.

WEB COPY

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 him 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 him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 07.10.2022 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 first respondent to consider the same on its own merits.



W.P.No.18057 of 2023

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected WMP is closed.

20.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

- 1.The Secretary to Government,
Department, Government of
Tamil Nadu, Fort St.George,
Chennai-9.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation, Villupuram Division,
Villupuram.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation, Villupuram
Division-I, Villupuram.
- 4.The Deputy Director,
Industrial Safety & Health,
No.36, Sudakar Nagar,
Villupuram-605602.

RS/HVK



WEB COPY



W.P.No.18057 of 2023

M.S.RAMESH,J.

RS/HVK

WP.No.18057 of 2023 &
WMP.No.17235 of 2023

20.06.2023