



W.P.No.18705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18705 of 2023

B.Kamaal Basha

...Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,
No.12, Ramakrishna Road,
Salem – 07.

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Dharmapuri Branch,
Bharathipuram, NH-7,
Indra Nagar, Dharmapuri – 636 701.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.12.2009 and 02.12.2010 and reminder representation dated 07.11.2022 and thereby direct the respondents to appoint the petitioner in any of the post in the respondent Department according to his education qualification under compassionate appointment.



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For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.K.Raja
Standing Counsel

ORDER

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

2. The petitioner's mother had given representations to the respondents on 03.12.2009 and 02.12.2010, seeking appointment to her son on compassionate grounds. The petitioner has sent a reminder in this regard on 07.11.2022. Since the said representations were 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 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



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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 him to consider the same within a stipulated time.

4. In the light of the above observations, the first respondent herein is directed to consider the petitioner's representation dated 07.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three 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.

No costs.

27.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

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