



W.P.No.32530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32530 of 2023
and W.M.P.No.32129 of 2023

K. Arunprakash

... Petitioner

Vs.

1.TASMAC,
Rep. by its Managing Director,
CMDA Tower, Egmore, Chennai – 600 008.

2.TASMAC,
Rep. by its Senior Regional Manager
Goundanpalayam, Coimbatore – 641 030.

3.TASMAC,
Rep. by its Director Manager,
Coimbatore South, Coimbatore – 641 030.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation dated 12.10.2021 to issue re-appointment to the petitioner as Salesman in the shop's operated by the respondents corporation.



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For Petitioner : Mr.K. Chandrasekaran

For Respondents : Mr.K. Sathish Kumar,
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 herein has given representation to the third respondent on 12.10.2021, seeking for re-appointment as Salesman in the shop operated by the respondents Corporation. Since the said representation has not been considered till date, the present Writ Petition has been filed.

3. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon them 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



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invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third respondent herein, to consider the petitioner's representation dated 12.10.2021, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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. Connected miscellaneous petition is closed.

20.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.Managing Director,
TASMAC,
CMDA Tower, Egmore, Chennai – 600 008.
- 2.Senior Regional Manager,
TASMAC,
Goundanpalayam, Coimbatore – 641 030.
- 3.Director Manager,
TASMAC,
Coimbatore South, Coimbatore – 641 030.

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