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W.P.No.31426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31426 of 2023

R. Vijayaraghavalu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Transport Department,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
No.1/137, Trichy Main Road,
Salamedu, Vazhuthareddy Post,
Villupuram – 605 602.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kanchipuram Region,
Karaipettai,
Kanchipuram – 631 552.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 27.02.2023 to pay the



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payment for 90 days of unearned leave (ML).

For Petitioner : Mr.R. Anbalagan

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader [R1]
Mrs.Pavithra,
Standing Counsel [R2 & R3]

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 first respondent on 27.02.2023, seeking for the payment of 90 days unearned leave (ML). 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 a 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



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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 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 respondents herein, to consider the petitioner's representation dated 27.02.2023, on their own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to Government,
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