



W.P.No.33726 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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P.Janarthanan

... Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu
Department of Transport
Secretariat,
Chennai 600 009.

2. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
12, Ramakrishna Salai
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 2nd Respondent to provide suitable appointment on the ground of compassionate to the petitioner by considering the petitioner's representation dated 21.06.2011, 18.09.2012 and 18.08.2023.



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For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.M.Bindran (R1)
Additional Advocate General
Mr.K.Raja (R2)
Standing Counsel

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 the 2nd respondent 18.08.2023, seeking compassionate appointment on account of death of his father Mr.A.Perumal, who died in harness, while working as Senior Tradesman under the 2nd Respondent. 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



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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 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 2nd respondent herein, to consider the petitioner's representation dated 18.08.2023 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.



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6. 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

Neutral Citation: Yes/No

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To

1. Tamil Nadu Public Service Commission
Rep. by its Secretary
TNPSC Road, V.O.C.Nagar,
Park TWon
Chennai-03
2. The Controller of examination
Tamil Nadu Public Service Commission
TNPSC Road, V.O.C.Nagar,
Park Town,
Chennai-03.
3. Deputy Secretary
Tamil Nadu Public Service Commission
TNPSC Road, V.O.C.Nagar,
Park Town,
Chennai-03.



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M.S.RAMESH,J.

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