



W.P.No.34575 of 2023

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WEB **M.S.RAMESH, J.**

This matter is listed today under the caption "for being mentioned".

2. Heard the learned counsel for the petitioner.

3. Being satisfied with the submissions made by the learned counsel for the petitioner, this Court is inclined to modify Para No.4 and Para No.5 of the Order dated 18.12.2023 and the same shall stand modified as hereunder:-

“4.Learned counsel for the petitioner submitted that he may be granted liberty to make fresh representation which could be considered by the respondents. I am inclined to accept his submission. ”

“5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three (03) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.”



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4. Considering the submission of the learned counsel for the petitioner and after perusing the order dated 18.12.2023, this Court directs the Registry to correct the mistake in the order and issue fresh order copy.

5. Accordingly, this Writ Petition is clarified.

02.02.2024

gd

Note: Issue order copy on 08.02.2024.



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DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Rajesh

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation,
Represented by its Chairman-cum-Managing Director,
6th floor, TANTRANSCO Building,
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
NPKRR Maaligai,
Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
North Chennai Thermal Power Station,
Chennai – 600 120.

... 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 representation dated 22.09.2023 and to regularize the petitioner, w.e.f., 06.04.2023, namely on completion of 3 months training period from the date of appointment and to grant all consequential and monetary benefits arising out of it without any discrimination.



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For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.G.Anandakrishnan for
AGAM (legal)

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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 a representation to the respondents on 22.09.2023, seeking to regularize him, with effect from 06.04.2023, namely on completion of 3 months training period from the date of appointment and to grant all consequential and monetary benefits arising out of it without any discrimination. 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 amount to dereliction of duty



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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. Since no acknowledgement has been produced before this Court for the representation given by the petitioner, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances, along with the copy of the judgement of acquittal by the Criminal Court and a copy of this order. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three (03) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by 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
gd



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To

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18.12.2023