



W.P.(MD).No.19289 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19289 of 2023

Selvakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 11.10.2019 with regard to give promotion, weightage and other benefits respectively within a fixed time limit as stipulated by this Court.

For Petitioner : Mr.A.Seethapathy

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel



W.P.(MD).No.19289 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 11.10.2019 with regard to give promotion, weightage and other benefits respectively within a fixed time limit as stipulated by this Court.

2. The petitioner was appointed as a Conductor in the year 1991 in the respondent corporation. He has completed more than 240 days of his service and even then, his service was not regularized. However, similarly placed persons who worked in the aforesaid corporation were regularized and were given permanency on completion of 240 days. The settlement under Section 12 (3) of the Industrial Dispute Act, 1947 is binding on the transport corporation, on the basis of which, the respondent corporation ought to have regularized the petitioner on completion of 240 days from the date of joining service with a corporation. The petitioner was issued with a charge memo for unauthorized absence for a period of 32 days in the year 1999. In the meanwhile, the petitioner had filed I.D.No.145 of 2021 before the Labour Court, Trichy.



W.P.(MD).No.19289 of 2023

3. In which, the Court passed an order directing the respondent corporation to reinstate the petitioner with continuity of service and other benefits with cut of early increment for a period of 5 years without cumulative effect. The petitioner was allowed to join duty in the respondent corporation on the basis of the said order. However, the respondent corporation did not consider the petitioner's name for promotion, giving weightage to his service on par with similarly placed persons. Hence, the petitioner made detailed representation on 11.10.2019 to the respondents seeking necessary promotion, giving weightage to his prolonged service. He made a reminder representation in the year 2020 and 2022 as well. However, those representations were of no avail.

4. Heard the learned counsels on either side and perused the materials available on record.

5. 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 respondent 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 made by the Statutory Authority would



W.P.(MD).No.19289 of 2023

amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 11.10.2019 and pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands allowed. No costs.

30.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

gbg

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.



WEB COPY



W.P.(MD).No.19289 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.19289 of 2023

30.08.2023