



W.P.(MD).No.20441 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20441 of 2023

N.Sambathraja

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Bye Pass Road,
Dindigul.

2.The Tahsildar,
Office of the Tahsildar,
Nilakkottai,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 07.03.2023 accepting the certificate issued by the second respondent and providing the petitioner's employment on compassionate grounds.

For Petitioner : Mr.G.M.Xavier
For R-1 : Mr.S.Siva Balaji
Standing Counsel



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For R-2

: Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the first respondent to consider the petitioner's representation, dated 07.03.2023 accepting the certificate issued by the second respondent and providing the petitioner's employment on compassionate grounds.

2. By consent of both the parties, this writ petition is taken up for final disposal.

3. The petitioner's father was appointed as Conductor in the respondent Corporation from 17.07.2007. Thereafter, he was promoted as Senior Grade Conductor and he rendered 13 years of service in the respondent Corporation. While in service, he died on 11.07.2020. He was survived by the petitioner, his mother and brother. On 19.01.2023, the petitioner appeared in person before the first respondent and submitted an application seeking appointment on compassionate ground along with all the necessary documents. On the direction



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of the respondent, the petitioner has also submitted a letter, dated 21.02.2023 before the second respondent, requesting to provide a certificate with respect to the name of the petitioner's father. The said certificate was issued by the second respondent after verification with the Village Administrative Officer and Revenue Inspector stating that Navaraj and William Edwin Navaraj are one and the same. Thereafter, a representation was made by the petitioner on 07.03.2023 to the first respondent seeking to accept the said certificate and provide the petitioner with an appointment on compassionate ground. However, the same was not considered. Hence, this writ petition came to be filed.

4. 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 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.



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5. In view of the same, this Court hereby directs the first respondent to consider the representation made by the petitioner on 07.03.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) weeks from the date of receipt of a copy of this order.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

22.08.2023

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

To

1.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Bye Pass Road,
Dindigul.

2.The Tahsildar,
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L.VICTORIA GOWRI, J.

BTR

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