



W.P.(MD).No.22585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22585 of 2023

Velmurugan

... Petitioner

Vs

1. The Managing Director,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai District.
2. The General Manager,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai District.
3. The Branch Manager,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai 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 dispose of the appeal, dated 02.08.2020 preferred by the petitioner by considering the representation, dated 23.06.2023 within the period and pass such further or other orders as this Court.



W.P.(MD).No.22585 of 2023

For Petitioner : Mr.R.Rajesh

For Respondent : Mr.K.Jagadees Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the first respondent to dispose of the appeal, dated 02.08.2020 preferred by the petitioner by considering the representation, dated 23.06.2023, within the period and pass such further or other orders as this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.R.Rajesh, learned counsel appearing for the petitioner and Mr.K.Jagadees Balan, learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.(i).The petitioner is working as a Driver in the second respondent Corporation on 25.01.2016 at Pudukottai Region. While he was in service, on



W.P.(MD).No.22585 of 2023

17.10.2018, an accident had occurred while he drove the bus from Iluppur to Keeranur. The said accident occurred at Keeranur at about 07.30a.m., when one Manickam jumped in front of the bus to commit suicide, later he died. A criminal case was registered against the petitioner and he was placed under suspension on 19.10.2019 by the second respondent.

(ii). On 18.11.2019, he was sent for one month training at Regional Training Centre, Pudukottai District and after the completion of the training, he was reinstated in service on 19.12.2019.

(iii). While so, on 28.05.2020, the second respondent issued a show cause notice, calling upon the petitioner to submit his explanation, within a period of seven days for the aforesaid alleged accident/incident. The petitioner also submitted his explanation to the second respondent on 02.06.2020 that the said incident happened only because of the intention of the said Manickam to commit suicide and the same was also proved by way of charge sheet in which the charges was abated before the learned Judicial Magistrate, Keeranaur in R.C.No.6 of 2019, vide order, dated 21.10.2019. Despite the same, a punishment of stoppage of increment for a period of two years with cumulative effect has been imposed by the second respondent against the petitioner.



W.P.(MD).No.22585 of 2023

WEB COPY

(iv).Aggrieved by the said punishment, the petitioner has preferred an appeal, within the statutory period of 90 days. However, even after the period of three years, the said appeal is kept pending without disposal. Hence, the petitioner made several representations to the first petitioner to dispose of the appeal, dated 02.08.2020 and last of which was made on 23.06.2023, but nothing evolved positively. Hence, this writ petition came to be filed.

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 respondents to consider the same on its own merits and pass appropriate orders in a 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.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the representations of the petitioner, dated 24.08.2021, 14.04.2022 and 23.06.2023 and dispose of the appeal preferred by



W.P.(MD).No.22585 of 2023

the petitioner, dated 02.08.2020, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

15.09.2023

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

To

1. The Managing Director,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai District.
2. The General Manager,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai District.
3. The Branch Manager,
TNSTC, Kumbakonam Limited,
Pudukottai Region,
Pudukottai District.



WEB COPY



W.P.(MD).No.22585 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.22585 of 2023

15.09.2023