



W.P.(MD).No.23731 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23731 of 2023

M.Justin Raj

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Ranithottam, Nagercoil Region,
Nagercoil,
Kanyakumari District-629 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 06.09.2023 and issue him the certification proof of the Standing Orders of Pandiyan Transport Corporation which is said to be followed by the respondent in Nagercoil region, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.L.Shaji Chellan

For Respondent : Mr.K.Ramaiah
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondent to consider the petitioner's representation, dated 06.09.2023 and issue him the certification proof of the Standing Orders of Pandiyan Transport Corporation which is said to be followed by the respondent in Nagercoil region, within a time limit that may be stipulated by this Court.

2. The petitioner was appointed as a Driver under the respondent Transport Corporation in Kuzhithurai Branch on 10.06.1995 and was continuously requesting the respondent to regularize his service. While so, the petitioner was terminated from service and challenging the same, the petitioner filed W.P.No.3073 of 1999 before this Court. This Court by its order, dated 15.03.1999 directed the respondent to reinstate the petitioner in service. However, the same was not complied with by the respondents. As a result of which, the petitioner had filed Cont.P.No.675 of 1999. On 16.03.2000, in the Contempt Proceedings, this Court directed the respondents to provide the petitioner with employment on or before 19.04.2000. In compliance to the same, the petitioner was appointed as Driver on daily wages as against the



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permanent vacancy through the proceedings of the respondent, dated 15.04.2000. Thereafter, on 30.04.2001, the petitioner's service was regularized by granting him time scale of pay. On 22.02.2002, the petitioner completed his probation period and his appointment was made permanent with effect from 02.12.2001.

3. Despite the same, the respondent Corporation is continuously indulging in actions to wreck vengeance. The respondent is continuously foisting as many as 65 disciplinary proceedings without any reason. Hence, the petitioner filed W.P(MD)No.19748 of 2022 to forbear the respondents from initiating any disciplinary proceedings against the petitioner without a mandatory Certified Standing Orders. This Court was pleased to confirm that departmental action against an employee shall be initiated only in accordance with Certified Standing Orders vide order, dated 25.08.2022. While so, the petitioner made a representation to the respondent on 10.09.2022 requesting him to furnish with Certified Standing Orders of Tamil Nadu State Transport Corporation Limited, Nagercoil Region. Since the same was not provided to him, he filed W.P(MD)No.23119 of 2022 before this Court and the same was allowed. Since the same was not furnished, the petitioner filed Cont.P(MD)No.



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1801 of 2022. In the contempt petition, the respondent submitted that he would provide the standing orders issued by the Pandiyan Roadways Corporation Limited, Madurai and recording the same, the contempt petition was closed on 05.12.2022. Further, the petitioner has now made a representation on 06.09.2023 for issuing him with a certification proof of the Standing Orders of Pandiyan Transport Corporation. However, the same was not given to him. 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 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 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.

5. In view of the limited prayer sought for in this case, this Court direct the respondent to consider the petitioner's representation, dated 06.09.2023 and



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pass orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

29.09.2023

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

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To

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Ranithottam, Nagercoil Region,
Nagercoil,
Kanyakumari District-629 001.



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L.VICTORIA GOWRI, J.

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