



W.P.(MD).No.1039 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1039 of 2024

P.Murugaprabhu

... Petitioner

Vs

1. The Principal Secretary,
Tamil Nadu Transport Department,
Fort St. George, Chennai - 09.
2. The General Manager,
Tamil Nadu Transport Corporation,
Trichy By-Pass Road, Dindigul.
3. The Managing Director,
Head Branch, Tamil Nadu Transport Corporation,
Tirumangalam By-Pass Road,
Madurai - 625 010.
4. The Branch Manager,
Tamil Nadu Transport Corporation,
Lower Camp Branch,
Lower Camp, Theni 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 respondents 2 to 4 to consider the petitioner representation, dated 23.12.2023 and consequently to direct the 2nd respondent to allot the duty to the petitioner by considering the



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suspension of sentence order, dated 18.12.2023 in Cr.M.P. No.4542 of 2023 within a time frame stipulated by this Court.

For Petitioner : Mr. S.M.Ramasiva

For Respondents : Mr.S.Shaji Bino (R1)
Special Government Pleader
Mr.Siva Balaji (R2-R4)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents 2 to 4 to consider the petitioner's representation, dated 23.12.2023 and consequently, to direct the 2nd respondent to allot the duty to the petitioner by considering the suspension of sentence order, dated 18.12.2023 in Cr.M.P. No.4542 of 2023 within the time frame stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the



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learned Standing Counsel appearing for the respondents 2 to 4. Perused the materials on record.

4.(i).The petitioner is working as a Driver in Tamil Nadu Transport Corporation since 1997. On 15.11.2012 while on duty he met with an accident. In this regard a police complaint was registered in Cr.No.337 of 2012 and a final report was filed before the learned Judicial Magistrate, Nilakottai in C.C.No.130 of 2013. The petitioner was convicted and he was sentenced to undergo simple imprisonment for a period of one year. Thereafter, he was released on bail by the learned Magistrate in Cr.M.P.No.7828 of 2023 in view of an appeal preferred by him as against the conviction order.

(ii).The appeal in C.A.No.139 of 2023 is pending before the learned Principal District and Sessions Judge, Dindigul. The learned Principal District Judge suspended the sentence imposed against him by the learned Magistrate in Cr.M.P.No.4542 of 2023. In view of the suspension order, he had approached the fourth and third respondents to allot him duty accordingly. Since they failed to do so, he made a representation on 23.12.2003 to the respondents 2 to 4 to allot duty to him. However, the same was not considered. Hence, this petition came to be filed.



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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 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.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the respondents 2 to 4 to consider the representation of the petitioner, dated 23.12.2023 and pass appropriate orders in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

19.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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