



W.P.(MD).No.3170 of 2024

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.3170 of 2024**

C.Rajarethnam

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli,  
Tirunelveli District.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Nagercoil Region,  
Ranithottam,  
Kanyakumari 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 1<sup>st</sup> respondent herein to issue the petitioner regularization of service as conductor with retrospective effect dated 22.12.2010 instead of 28.05.2013 with par to that of



W.P.(MD).No.3170 of 2024

regularization order issued to the similarly placed persons who were appointed along with the petitioner as reserve conductor by the 2<sup>nd</sup> respondent herein dated 14.05.2008 and to grant seniority in service with all service and monetary benefits legally entitled to the petitioner on the basis of his representation made before the 1<sup>st</sup> respondent herein by RPAD dated 29.01.2024.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.D.Jebaraj,  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the 1<sup>st</sup> respondent herein to issue the petitioner regularization of service as conductor with retrospective effect dated 22.12.2010 instead of 28.05.2013 with par to that of regularization order issued to the similarly placed persons who were appointed along with the petitioner as reserve conductor by the 2<sup>nd</sup> respondent herein dated 14.05.2008 and to grant seniority in service with all service and monetary benefits legally entitled to the petitioner on the basis of his representation made before the 1<sup>st</sup> respondent herein by RPAD dated 29.01.2024.



W.P.(MD).No.3170 of 2024

WEB COPY

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

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as Reserve Conductor by the 2<sup>nd</sup> respondent vide proceedings dated 14.05.2008 in serial No.21 along with 89 others. He had successfully completed 240 days as daily wages and thereafter, the 2<sup>nd</sup> respondent vide proceedings dated 23.01.2014 regularized him along with 27 others with effect from 28.05.2013 in serial No.22 of the said proceedings. Though the petitioner has been appointed as a reserve conductor by the 2<sup>nd</sup> respondent on 14.05.2008, he ought to have been regularized within one year of his service. But, the 2<sup>nd</sup> respondent regularized only after the completion of five years without any basis. The similarly placed persons seeking same relief in W.P.(MD)No.30364 of 2023 and this Court was pleased to dispose the same on 20.12.2023. Hence, the petitioner made a representation dated 29.01.2024 requesting to regularize his service as reserve conductor with retrospective effect dated 22.12.2010 instead of 28.05.2013 at par with the regularization



W.P.(MD).No.3170 of 2024

order issued to the similarly placed persons. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Carefully 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 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. It is made clear that without going into the merits of this case, this Court hereby direct the 1<sup>st</sup> respondent to consider the representation of the



W.P.(MD).No.3170 of 2024

petitioner dated 29.01.2024 and pass appropriate orders in accordance with law within a period of ten (10) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

**14.02.2024**

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

To

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli,  
Tirunelveli District.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Nagercoil Region,  
Ranithottam,  
Kanyakumari District.



WEB COPY



**W.P.(MD).No.3170 of 2024**

**L.VICTORIA GOWRI, J.**

Sml

**W.P.(MD).No.3170 of 2024**

**14.02.2024**