



W.P.(MD).No.3475 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3475 of 2024

A.Mahendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (TNSTC),
27, Railway Station New Road,
Kumbakonam – 612 001.

2.General Manager,
Tamil Nadu State Transport
Corporation (TNSTC),
Kumbakonam

3.The Branch Manager
Tamil Nadu State Transport,
Corporation (TNSTC),
Kumbakonam Branch,
Kumbakonam

... 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 to promote the petitioner as Transport Inspector notionally and provide service



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benefits and other benefits by considering petitioner's representation dated 28.12.2023.

For Petitioner : Mr.M.Jegadeesha Pandian
For Respondents : Mr.K.Jegadeesh Balen
Standing Counsel

ORDER

Mr.K.Jegadeesh Balen, learned Standing Counsel takes notice for the respondents.

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 are as follows:-

The petitioner joined in the respondent Department as Conductor in the year 1985. Thereafter, he was promoted as Ticket Examiner on 25.01.2014 in probation. Vide proceedings dated 10.09.2014, he was confirmed in the post of Ticket Examiner. While he was in service, a vacancy for the post of Transport Inspector in the Regional Transport Zone had arisen. The petitioner was eligible for the same and the petitioner made several representations to promote him to



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the said post as per seniority. However, the same was not considered and the petitioner retired from service as Ticket Examiner on 30.06.2018. In the meanwhile, the petitioner understood that his juniors were appointed as Transport Inspector after superannuation on 01.07.2018. As per seniority, the petitioner was eligible to be accommodated in the said post.

4. The petitioner gave a representation dated 23.05.2018 and 28.12.2023 for considering his eligible seniority for promoting him to the post of the Transport Inspector during his service period with effect from 2018. However, the same were not considered.

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.



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6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents 1 and 2 to consider the representations of the petitioner dated 23.05.2018 and 28.12.2023 and pass appropriate orders in accordance with law 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. No costs.

15.02.2024

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

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L.VICTORIA GOWRI, J.

CM

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