



W.P.(MD).No.3917 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3917 of 2024

K.Selvaraj

... Petitioner

Vs

The Management,
Tamilnadu State Transport Corporation (Madurai) Limited,
Rep. by its General Manager,
Bye Pass Road, Madurai.

... 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 pay the petitioner's monitory benefits payable to him based on the order passed by this Court in WP(MD) No. 7017/2008, dated 10.10.2011 and the award of Labour court in ID No. 197/23, dated 11.10.2007 within a time frame fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.S.C.Herold Singh
Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the respondent to pay the petitioner's monitory benefits payable to him based on the order passed by this Court in WP(MD) No. 7017/2008, dated 10.10.2011 and the award of Labour court in ID No. 197/23, dated 11.10.2007 within a time frame fixed by this Court.

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

3.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.(i).The petitioner joined in the respondent Corporation as Driver on 17.05.1990 and on attaining the age of superannuation, he retired from service on 31.01.2017. While in service, he was visited with a charge memo,



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dated 09.01.2001 on the ground of unauthorised absence, for which, he gave explanation thereafter, enquiry was initiated. However, on 07.11.2001, the enquiry officer concluded that the charges were proved as against the petitioner, following which, he was dismissed from service by order, dated 12.09.2002. Challenging the order of dismissal, he filed an Industrial Dispute in I.D.No.197/2003 before the Labour Court, Madurai and vide order, dated 11.10.2007, the learned Labour Judge directed the respondent to reinstate the petitioner with continuity of service, without back wages. Challenging the same, the respondent filed a writ petition in W.P(MD)No.7017 of 2018 before this Court and the same was dismissed by this Court on 10.10.2011, directing the respondent to implement the award passed by the Labour Court. Therefore, the petitioner sent a detailed representation on 05.09.2023 to reinstate him in service, as per the order passed by the learned Labour Judge, dated 10.10.2011. However, the same was not considered. 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 respondent to consider the same on its own merits and pass appropriate orders in one way



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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 the respondent 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 direct the respondent to consider the representation of the petitioner, dated 05.09.2023 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.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

21.02.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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