



W.P.(MD).No.4648 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4648 of 2024

D.Ananthakumar

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport
Corporation Ltd.,
Nagercoil Region,
Ranithottam,
Nesamani Nager,
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 1st respondent to dispose the petitioner appeal petition dated 03.08.2012 within the time frame that may be stipulated by this Court.



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For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.K.Ramaiah,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to dispose the petitioner's appeal petition dated 03.08.2012.

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 worked as a Special Grade Conductor in the Vivekananthapuram Region, Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., since 2000. His superannuation lies on 30.04.2027. He was issued with a charge memo on 21.09.2009. Following which, the disciplinary proceedings was initiated and a punishment of stoppage of increment for a



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period of one year with cumulative effect imposed by the 2nd respondent against the petitioner. Assailing the same, the petitioner filed an appeal petition before the 1st respondent on 03.08.2012. However, the same was not considered. Hence, the petitioner made a representation dated 20.02.2024 seeking to dispose the petitioner's appeal before the 1st respondent. 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



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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. Without going into the merits of the case, this Court hereby direct the 1st respondent to dispose the petitioner's appeal petition dated 03.08.2012 and pass appropriate orders in accordance with law within a period of one (1) month from the date of receipt of a copy of this order.

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

28.02.2024

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



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L.VICTORIA GOWRI, J.

Sml

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