



W.P.(MD).No.6658 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6658 of 2024

C.Gurunathan

... Petitioner

Vs

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

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Thanjavur 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 appeal filed by the petitioner, dated 30.8.2017 against the order passed by the 2nd respondent, dated 9.8.2017 in Tha.A.Po.Ka/D2/Ku.Na. 2/020/2017.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : Mr.K.Ramaiah
Standing Counsels



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to dispose the appeal filed by the petitioner, dated 30.8.2017 against the order passed by the 2nd respondent, dated 9.8.2017 in Tha.A.Po.Ka/D2/Ku.Na.2/020/2017.

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 respondents. Perused the materials on record.

4.The petitioner joined into the service on 08.04.1999 and presently, he is working as Special Grade Conductor in Kumbakonam Town II Branch. The petitioner was visited with a charge memo on 22.05.2017 issued by the second respondent, following which, a domestic enquiry was conducted and punishment of stoppage of increment with cumulative effect for one year



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came to be passed on 09.08.2017. Against the same, the petitioner has preferred an appeal before the first respondent on 30.08.2017 and the same is pending without any progress. 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 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 the respondents 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 first respondent to dispose of the appeal preferred by the petitioner, dated 30.08.2017 and pass appropriate orders in accordance with law, within a period of eight (8) 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.

19.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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