



W.P.(MD).No.6710 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6710 of 2024

M.Murugan

... 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 respondents to disburse all the petitioners service and monetary benefits legally entitled to him on the basis of the proceedings passed by the 1st respondent, dated 18.06.2013 on his Appeals and the consequential proceedings passed by the 2nd respondent vide Nos.4135/Legal-3/TNSTC/2002, dated 28.08.2013, 1874/Legal-3/TNSTC/2004, dated 28.08.2013 and 449/Legal-7/TNSTC/2006, dated 28.08.2013 in the light of the aforesaid proceedings passed by the 1st respondent with effect from



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18.06.2013 on the basis of the petitioner representation made before the respondents by RPAD, dated 26.02.2024.

For Petitioner : Mr. B.Brijesh Kishore

For Respondents : Mr.K.Ramaiah
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents to disburse all the petitioners service and monetary benefits legally entitled to him on the basis of the proceedings passed by the 1st respondent, dated 18.06.2013 on his Appeals and the consequential proceedings passed by the 2nd respondent vide Nos.4135/Legal-3/TNSTC/2002, dated 28.08.2013, 1874/Legal-3/TNSTC/ 2004, dated 28.08.2013 and 449/Legal-7/TNSTC/2006, dated 28.08.2013 in the light of the aforesaid proceedings passed by the 1st respondent with effect from 18.06.2013 on the basis of the petitioner representation made before the respondents by RPAD, dated 26.02.2024.

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.



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

4.(i).The petitioner was appointed as Conductor on Daily Wages by the 2nd respondent vide proceedings, dated 01.11.1996 along with 105 others. His service was regularized with effect from 17.07.1999. On attaining the age of superannuation, he retired from service on 31.05.2023.

(ii).While so, three disciplinary proceedings were initiated against the petitioner for taking unauthorized leave. After enquiry, all the three disciplinary proceedings ended by awarding punishment of stoppage of increments with cumulative effect vide orders, dated 27.08.2023, 21.02.2005 and 09.12.2005 respectively. Challenging the same, the petitioner had preferred three appeals before the first respondent during the year 2012. The first respondent in his proceedings, dated 18.06.2023 has modified the punishment as one without cumulative effect and grant monetary benefits with effect from 18.06.2013. In this regard, the petitioner made several representations to the respondents, last of which was made on 26.02.2014. However, the same was not considered so far. Hence, this writ petition came to be filed.



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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 consider the representation made by the petitioner, dated 26.02.2024 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.

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



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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.,
Kumbakonam Region, Thanjavur District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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