



W.P.(MD)No.11916 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.11916 of 2021

R.Maruthanayagam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam – 612 001,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam – 612 001,
Thanjavur District.

4.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Mandamus, directing the respondents to re-designate the petitioner as Junior Engineer instead of Foreman with effect from 18.02.2011 notionally and to grant all other attendant monetary benefits and arrears of salary and refixation of pension with interest at the rate of interest at 18% per annum and revised pension to the petitioner.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For 1 st Respondent	: Mr.J.John Rajadurai Government Advocate
For Respondents 2 & 3	: Mr.P.Balasubramanian
For 4 th Respondent	: Mr.S.C.Herold Singh Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to re-designate the petitioner as Junior Engineer instead of Foreman with effect from 18.02.2011 notionally and to grant all other attendant monetary benefits and arrears of salary and refixation of pension with interest at the rate of interest at 18% per annum and revised pension to the petitioner.

2.The petitioner was appointed as a Tradesman in the respondents 2 and 3 Transport Corporation on 11.09.1980. With proper permission through proper channel for studying Diploma in Mechanical Engineering vide proceedings of the respondents dated 28.09.1998, the petitioner completed DME course during October 2002. In view of the same, he repeatedly approached the respondents 2



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and 3 to re-designate his promotion as Junior Engineer based on his DME qualification. Since the same was not considered, he made a representation to the respondents on 25.09.2013 and 16.04.2014 respectively in this regard. Several persons, who studied DME course similar to the petitioner was granted appointment during 1997 as Junior Engineers. Even then the petitioner's representation was not considered.

3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, the learned counsel appearing for the respondents 2 and 3, the learned Standing Counsel appearing for the fourth respondent and carefully perused the entire materials available on record.

4.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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5. At this juncture, the learned counsel for the respondents 2 and 3 drew my attention to the fact that the said representations were made before a decade. In view of the above, this Court hereby direct the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the respondents are directed to consider the petitioner representation and pass appropriate order in accordance with law within a period of eight weeks thereafter.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

05.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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- To
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L.VICTORIA GOWRI, J.

Mrn

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