



W.P.(MD)No.13836 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13836 of 2024

T.Dhamodharan

... 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 for issuance of Writ of Mandamus, to direct the first respondent to dispose the appeal filed by the petitioner dated 08.08.2018 against the order passed by the second respondent.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.K.Ramaiah
Standing Counsel



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ORDER

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The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct the first respondent to dispose the appeal filed by the petitioner, dated 08.08.2018 against the order passed by the second respondent.

2.Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner, Mr.K.Ramaiah, learned Standing Counsel for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The petitioner was working as Conductor at the respondent Corporation. The petitioner was charge sheeted for some misappropriation and he was imposed with the punishment of stoppage of increment for a period of three years with cumulative effect on 18.07.2019. Challenging the same, the petitioner has filed an appeal before the first respondent on 08.08.2019. Since the same has not been considered by the first respondent so far, the present writ petition has been filed.



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5. It is needless to point out that whenever a representation of this nature is made to a Government 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's appeal dated 08.08.2019 on its own merits 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. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. No costs.

27.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

1.The Managing Director,
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(Kumbakonam Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
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R.N.MANJULA, J.

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