



WP(MD) No.13646 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13646 of 2024

R.Puwanendran

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye Pass Road,
Madurai.

2.The General Manager

Tamil Nadu State Transport Corporation (MDU) Ltd.,
Dindigul Region,
Dindigul.

....Respondents

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



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respondents to consider the petitioner's explanation dated 04.04.2024 seeking withdrawal of charge memo ,dated 19.03.2024 and retain him at Batlagundu Branch till his retirement.

For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.Gladson Michael Rajadurai

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to consider the petitioner's explanation dated 04.04.2024 seeking withdrawal of charge memo ,dated 19.03.2024 and retain him at Batlagundu Branch till his retirement.

2. Heard Mr.P.Vijaynivas, learned counsel for the petitioner and Mr.Gladson Michael Rajadurai, learned Standing Counsel appearing for the respondents.



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

4. The petitioner is working as a Special Grade Conductor at Batlagundu Branch. The management has issued a charge memo dated 19.03.2024 to the petitioner and suspended him from service on 18.03.2024. The petitioner has given his explanation in detail on 04.04.2024 itself. However, the petitioner has been suspended from service and permitted him to work from Palani depot instead of Batlagundu branch, without any order in writing. Since the said explanation and grievance were not considered by the respondents so far, the present writ petition has been filed.

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



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of keeping the same pending indefinitely. As such, non-consideration of the representation by the Government Authority would amount to dereliction of duty. 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/ explanation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's explanation dated 04.04.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four 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.

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

RM



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To
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- 1.The Employees Provident Fund Organisation,
Ministry of Labour and Employment,
Government of India,
Royapettah High Road,
Chennai – 600014.
Rep. by Regional Commissioner
- 2.The Managing Director
Tamilnadu Minerals Limited,
Chepauk,
Chennai - 600005.



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R.N.MANJULA, J.

RM

Order made in
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