



W.P.(MD)No.15797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15797 of 2024

S.Musthafa

... 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,
(Kumabkonam) Ltd.,
Periyamizhaguparai,
Trichy Region,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to reinstate the petitioner into service on the basis of A.P.192/2022 on the file of the Special Joint Commissioner of Labour, Chennai dated 13.03.2024 within continuity of service, with entire back wages as well as all other attendant and consequential service benefits.

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



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ORDER

Heard Mr.Sudhagar Nagaraj, learned counsel for the petitioner,
Mr.K.Jegadees Balan, learned Standing Counsel for the respondents.

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

3. The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct the second respondent to reinstate the petitioner into service on the basis of A.P.192/2022 on the file of the Special Joint Commissioner of Labour, Chennai dated 13.03.2024 within continuity of service, with entire back wages as well as all other attendant and consequential service benefits.

4.The petitioner is working as a Conductor in the respondent Corporation. The petitioner was terminated from service on the allegation of unauthorized leave. However, the proposal seeking approval for the said termination order was rejected by the authorities concerned by order dated

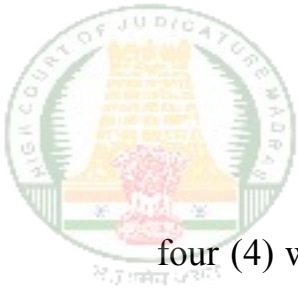


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13.03.2024. Therefore, the petitioner made a representation dated 19.06.2024 seeking reinstatement into service. Since the same was not considered so far, the petitioner has filed this writ petition.

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 third respondent herein to consider the petitioner's representation dated 19.06.2024 on its own merits and pass appropriate orders in accordance with law and in light of the earlier judicial pronouncement, if any, within a period of



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four (4) 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.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

15.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
- 2.The General Manager,
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R.N.MANJULA, J.

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