



W.P.(MD).No.17793 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17793 of 2024

I.Selvam

... Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul District.

2. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Bodinayakkanur Branch,
Devaram Main Road,
Bodinayakkanur, Theni 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 grant salary for the period of 43 days between 25.03.2020 and 25.05.2020 by considering the petitioner representation, dated 21.05.2022.

For Petitioner : Mr. M.Kannan

For Respondents : Mr.Gladson Michael Rajadurai
Standing Counsel



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ORDER

Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.Gladson Michael Rajadurai, learned Standing Counsel, for the respondents.

2.This Writ Petition has been filed for a direction to the respondents to grant salary for the period of 43 days between 25.03.2020 and 25.05.2020 by considering the petitioner representation, dated 21.05.2022.

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 Driver in the respondent Corporation from the year 2007. He has availed medical leave from 16.03.2020 to 24.03.2020. Thereafter, he has obtained fitness certificate on 25.03.2020 and submitted the same before the 2nd respondent on 25.03.2020. Due to lock-down, the same could not be forwarded by the 2nd respondent to the 1st respondent in time. Since the respondents have not calculated the Covid-19 lock-down properly and the salary has not been disbursed to the petitioner, the petitioner has sent a representation to the respondents on 21.05.2022 to grant



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salary. However, the same has not been considered and hence, 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 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. 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 respondents herein to consider the petitioner's representation, dated 21.05.2022, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into



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the merits of the case or 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, this writ petition is disposed of. No costs.

31.07.2024

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

To
1. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul District.

2. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Bodinayakkanur Branch,
Devaram Main Road,
Bodinayakkanur, Theni District.



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R.N.MANJULA, J.

PNM

ORDER IN
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