



W.P.(MD)No.22777 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22777 of 2021

C.M.Pitchaimani

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai – 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul - 4. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to fix the wages of the petitioner on the basis of the orders of the Hon'ble Division Bench of this Court in W.A.(MD)No.92 of 2019 dated 29.07.2019 and the official order of the second respondent dated 02.11.2019, on the date of re-instatement dated 02.11.2019 along with settlement Review, Incremental and other statutory benefits and also one month unpaid wages for the period from 28.09.2019 to 27.10.2019 for the alleged training period with deposit amount of Rs.2000/- (Two Thousand Only) along with arrears of pay with interest.



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and other attendant and monetary benefits. This Court, by order dated 04.12.2018, was pleased to allow the Writ Petition. Challenging the same, the respondent Corporation had filed an Appeal in W.A.(MD)No.71 of 2019, in which the petitioner and the respondent Corporation had arrived at a joint compromise and had filed a memo before the Hon'ble Division Bench of this Court and on the basis of which, the Hon'ble Division Bench had disposed of the Writ Appeal, by order dated 29.07.2019. Thereafter, the petitioner was reinstated into service with continuity of service with backwages from the date of dismissal of the order of the second respondent dated 02.11.2019. Subsequently, in terms of compromise arrived at, the first respondent has also passed an order of one stage of reduction of increment for one year, by order dated 16.11.2019 and thereafter, the petitioner also joined in service. However, he was not granted the wages applicable to the service rendered by him like that of other similarly placed persons and he was granted only the last drawn wages paid at the time of his dismissal on 19.03.2013. Hence, he made a representation dated 09.10.2021 to the respondents in this regard and the same was not considered. Hence, the Writ Petition came to be filed.

4. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents and carefully perused the materials available on



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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 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.

6.Considering the limited scope of relief sought for by the petitioner, this Court direct the respondents to fix the wages of the petitioner on the basis of the orders of the Hon'ble Division Bench of this Court in W.A.(MD)No.92 of 2019 dated 29.07.2019 and the office order of the second respondent dated 02.11.2019, in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.



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7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

10.07.2024

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

To

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L.VICTORIA GOWRI, J.

Mrn

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