



W.P.(MD).No.15366 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15366 of 2025

R.Marichamy

... Petitioner

-VS-

1. The Secretary,
Transport Department,
Government of Tamilnadu,
Secretariat, Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai - 625010.

3. The General Manager,
Tamilnadu State Transport Corporation,
Headquarters,
Dindigul Division,
Bye Pass Road,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to strictly adhere the 12(3) settlement dated 28.09.1995 thereby forbearing the respondents from placing any other drivers, conductors in other duties (Office duty) by considering the representation of the petitioner dated 06.02.2025.



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For Petitioner : Mr.M.Arsathul Hameed

For Respondents : Mr.K.Balasubramani (R1)

Special Government Pleader

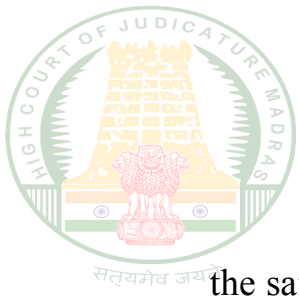
Mr.S.Raja (R2 & R3)

ORDER

This writ petition has been filed seeking a direction to the respondents to strictly adhere 12(3) settlement dated 28.09.1995 thereby forbearing the respondents from placing any other drivers, conductors in other duties (Office duty) by considering the representation of the petitioner dated 06.02.2025.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The petitioner is working as Conductor in the respondent Corporation, Bodi Branch. The grievance of the petitioner is that the second and third respondents are permitting some persons for other duty / office duty against the terms of appointment and the terms of 12(3) settlement, dated 28.09.1995 as well as G.O.Ms.No.321-328 dated 31.10.2018. Hence, the petitioner made a representation to the respondents dated 06.02.2025. Since



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the said representation was not considered, the petitioner has filed the present Writ Petition.

4. 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 him 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 06.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

06.06.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
06.06.2025