



W.P.(MD)No.16810 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16810 of 2025

R.Pandi

: Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Division,
Bye-Pass Road,
Madurai District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Bye-Pass Road,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to drop the punishment of stoppage of increment for a period of two years with cumulative effect passed by the 2nd respondent dated 31.03.2006 vide proceedings in Reference. Sathu/A3/401 and to disburse yearly increment benefits and in furtherance advance review benefits by taking into account of the Petitioners acquittal in the Criminal Case in C.C.No. 6 of 2006 on the file of the Learned Judicial Magistrate No. III, Dindigul vide Judgment dated 19.03.2008 as per the Settlement made under



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Section 12(3) of the Industrial Dispute Act 1947 and for other relief.

For Petitioner : Mr. J. Lawrance

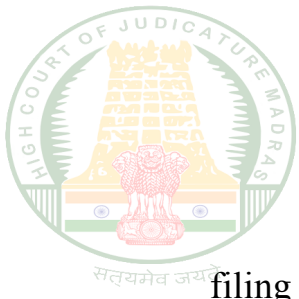
For Respondents : Mr.S.C.Herold Singh

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents to revoke the punishment of increment stoppage for two years with cumulative effect, imposed by the 2nd respondent on 31.03.2006 (Ref: Sathu/A3/401) and to grant yearly increment and advance review benefits, considering the petitioner's acquittal in C.C. No. 6 of 2006 by the Judicial Magistrate No. III, Dindigul, on 19.03.2008, as per the settlement under Section 12(3) of the Industrial Disputes Act, 1947.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner, was appointed as a Driver in the respondent Corporation on 10.05.1996, was involved in a fatal accident on 11.07.2005, leading to the registration of Crime No. 354 of 2005 and the



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filing of a charge sheet in C.C. No. 6 of 2006 before the learned Judicial Magistrate No. III, Dindigul. He was subsequently acquitted of all charges by judgment dated 19.03.2008. The petitioner was suspended from service from 01.08.2005 to 30.08.2005. He contends that he is entitled to the benefits under the periodic wage settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. In this regard, he submitted a detailed representation dated 31.05.2025, requesting revision of the punishment and grant of yearly increments and related benefits. As no action has been taken on the said proposal, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the proposal of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation/proposal 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



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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.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's proposal dated 31.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, 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 second respondent to consider the same on its own merits.

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

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Index : Yes / No



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Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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