

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Reserved on : 03.10.2017****Delivered on : 12.10.2017****CORAM :****THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU****W.P (MD) No.18273 of 2017**

WEB COPY

T.David

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's Surrender Leave Salary for 105 days of Rs.1,49,310/- from 2009 to 2015 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul

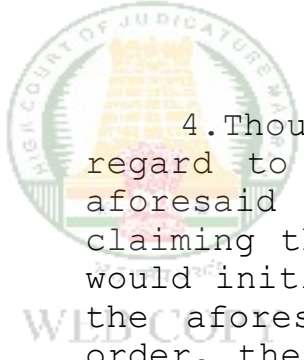
For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

The petitioner in this Writ Petition has sought to settle his Surrender Leave Salary for 105 days of Rs.1,49,310/- from 2009 to 2015 together with interest at the rate of 18% per annum payable from the date of retirement to the date of actual payment.

2.In the affidavit filed in support of the writ petition, it has been stated that the aforesaid claim is made by the petitioner on the basis of the settlement dated 13.02.1999 under Section 12 (3) of Industrial Disputes Act entered into between the workmen and the management of the Tamil Nadu State Transport Corporation (Kumbakonam) Ltd. In the typed set filed along with the writ petition, the petitioner has placed copy of the representation dated 30.06.2017, claiming the aforesaid benefit.

3.Heard Mr.A.Rahul, the learned counsel appearing for the petitioner and Mr.D.Sivaraman, the learned Standing Counsel appearing for the respondents and perused the records.



4. Though the petitioner has sought for a larger relief, having regard to the fact that the respondents have not disposed the aforesaid representation dated 30.06.2017, made by the petitioner claiming the relief, this Court is of the considered view that it would initially suffice to direct the second respondent to dispose the aforesaid representation and in the event of any adverse order, the petitioner may thereafter impeach the same in a manner recognized by law.

5. Accordingly, this Writ Petition is disposed of with a direction to the second respondent to dispassionately consider the representation of the petitioner dated 30.06.2017, and pass reasoned orders thereon, on merits and in accordance with law and communicate such decision to the petitioner and file a report of such compliance before the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai on or before 30.11.2017. It is needless to add here that the admitted amount of monetary benefits shall be expeditiously disbursed by the Respondents to the petitioner and in any event, within a period of one month from the date of passing of the order disposing the representation. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

SJ

VB/KK/SAR1/25/10/2017/2P/4C