



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26841 of 2019

A.Balasubramanian

... Petitioner

Vs.

The Managing Director,
State Express Transport
Corporation (T.N) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to pay the difference in Medical Leave salary by computing the Last Month Salary of June 2018 instead of December 2007, based on the 12 (3) Settlement dated 13.02.1999 and also G.O.(NILAI)No.220, Transport (C1) Department dated 06.08.1999, together with 18 % interest from the date of the petitioner's retirement i.e. 30.06.2018, to till the date of actual payment made to him i.e. 31.08.2019 and all other attendant benefits to him within the time frame that may be stipulated by this Court.

For Petitioner

: Mr.A.Rahul

For Respondent

: Mr.K.Sathiyasingh

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to the respondent to pay the difference in Medical Leave salary by computing the Last Month Salary of June 2018 instead of December 2007, based on the 12(3) Settlement dated 13.02.1999 and also G.O.(NILAI)No.220, Transport (C1) Department dated 06.08.1999, together with 18 % interest from the date of the petitioner's retirement i.e. 30.06.2018, to till the date of actual payment made to him i.e. 31.08.2019 and all other attendant benefits to him, in my view, such a decision is to be taken by the respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 25.09.2019 in this regard, which is said to be

pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondent herein to dispose of the petitioner's representation, dated 25.09.2019, in the light of 12(3) Settlement, dated 13.02.1999 and G.O.(NILAI)No.220, Transport (C1) Department, dated 06.08.1999, if applicable to the petitioner and pass appropriate orders, on its own merits, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

Gns

+1 CC to Mr.A.K.THANGAVELU, Advocate (SR-105497[F]dated 18/12/2019)

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-105614[F] dated 18/12/2019)

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