



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2020**

CORAM:

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

W.P. (MD) No.1816 of 2020

WEB COPY

S.Swaminathan

... Petitioner

/vs./

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam 612 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the 6th pay commission report with 6% interest.

For Petitioner	: Mr.C.Thangamani
For Respondent	: Mr.P.Balasubramanian

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 direct the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the 6th pay commission report with 6% interest, 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 12.07.2019 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 respondents 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 consider the petitioner's representation, dated 12.07.2019 in the light of the order passed by the Hon'ble Division Bench of this Court in W.A(MD).Nos.716 and 718 of 2017 dated 15.06.2017, on its own merits and pass appropriate orders 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 his 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam 612 001.

+1 CC to MR.P.BALASUBRAMANIAN, Advocate (SR-4172[F] dated 31/01/2020)

+1 cc to Mr.C.Thangamani , Advocate SR.No.3871

Order made in
W.P.(MD)No.1816 of 2020

Dated:
30.01.2020

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