



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.02.2020**

CORAM:

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

W.P. (MD) No.2653 of 2020

and

W.M.P. (MD) No.2280 of 2020

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P.K.Uthuman Mohideen

... Petitioner

/vs./

1.The Principal Secretary to Government,
Transport (E) Department,
Fort St.George, Chennai -9.

2.The Management of
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Rep., by its Managing Director,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to revise the petitioner's gratuity and terminal leave salary in terms of settlement signed under Section 12(3) of the I.D.Act dated 04.01.2018 and in terms of G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017 and to pay difference amount in gratuity of Rs.1,44,904/- and difference amount in terminal leave salary of Rs.69,203/- with interest at 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to the petitioner.

For Petitioner : Mr.A.Rahul



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For Respondents : Mr.M.Jeyakumar
Additional Government Pleader (for R1)
Mr.R.Rajamohan
Standing Counsel (for R2 & R3)
Mr.A.Swaminathan
Standing Counsel (for R4)

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 respondents to revise the petitioner's gratuity and terminal leave salary in terms of settlement signed under Section 12(3) of the I.D.Act dated 04.01.2018 and in terms of G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017 and to pay difference amount in gratuity of Rs.1,44,904/- and difference amount in terminal leave salary of Rs.69,203/- with interest at 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to the petitioner, in my view, such a decision is to be taken by the respondents 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 she has already made representation on 23.12.2019 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 respondents herein to consider the petitioner's representation, dated 23.12.2019 in the light of the G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, 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 respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Principal Secretary to Government,
Transport (E) Department,
Fort St.George, Chennai -9.

+1 CC to SPL.GP (SR-5827[F] dated 12/02/2020)

+1 CC to MR.A.RAHUL, Advocate (SR-5987[F] dated 12/02/2020)

+1 CC to MR.R.RAJAMOHAN, Advocate (SR-5954[F] dated 12/02/2020)

Order made in
W.P.(MD)No.2653 of 2020
11.02.2020

_KM/(24.02.2020) 3P 5C