



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3822 of 2020

S.Sankar

... Petitioner

vs.

1.The Deputy Secretary to Government,
Transport (C1) Department,
Secretariat, Chennai -9.

2.The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Ltd.,
Madurai Regional Office,
Bye pass Road, Madurai 10.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Regional Office,
Bye Pass Road, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to disburse the surrendered leave salary of Rs.98,343/- arrears of gratuity amount of Rs.84,868/- and difference of earned leave salary after the implementation of 7th pay commission.

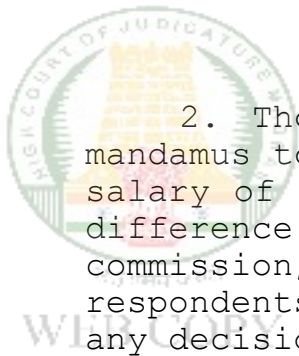
For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader (for R1)

Mr.J.Senthilkumaraiah
Standing Counsel (for R2 & R3)

O R D E R

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 disburse the surrendered leave salary of Rs.98,343/- arrears of gratuity amount of Rs.84,868/- and difference of earned leave salary after the implementation of 7th pay commission, 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 he has already made representation on 25.12.2019 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 25.12.2019, 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.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Deputy Secretary to Government,
Transport (C1) Department,
Secretariat, Chennai -9.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.SPL GP (SR-8890[F] dated 27/02/2020)

+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-8316[F] dated 26/02/2020)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-8634[F] dated 27/02/2020)

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JMN(12.03.2020) 3P : 5C