



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5729 of 2020

P.Gopalrajan

... Petitioner

Vs.

The Management of
State Express Transport Corporation
(Tamilnadu) Ltd.,
rep. by its Managing Director,
Pallavan Salai,
Chennai -2.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to revise the terminal benefits of the petitioner, based on his revised scale of pay payable to him for the month of July, 2015 as admitted by the respondent in the information dated 19.08.2019 given under RTI, Act and consequently to pay him balance of gratuity and encashment of 338.5 days (240 + 98.5) of earned/medical leaves and also EPF amount - Rs.1,277/- together with 18% p.a. Within a time frame.

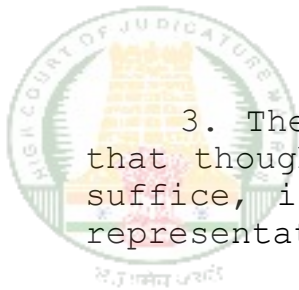
For petitioner : Mr.S.Arunachalam

For respondent : Mr.R.Raja Mohan

ORDER

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

2. The learned counsel for the petitioner submitted that the petitioner who was working as Senior Superintendent, retired from service on attaining the age of superannuation on 31.07.2015. As per G.O.Ms.No.146, Transport (c), dated 30.11.2015, the scale of pay of the petitioner is required to be refixed w.e.f. 01.04.2015 and consequently, the respondent is bound to refix the scale of pay of the petitioner and pension, and to pay arrears of salary, terminal benefits and pension with interest. He would further submit that the petitioner has not been paid encashment of Earned Leave for about 338.5 days and also EPF amount. Though the petitioner has sent a representation to the respondent on 20.09.2019, in this regard, till date it has not been considered by the respondent. Hence, he has come up with this writ petition for the aforesaid prayer.



3. The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger prayer, it is suffice, if a direction is given to the respondent to consider the representation of the petitioner dated 20.09.2019.

4. The learned counsel for the respondent submitted that the representation of the petitioner would be considered by the respondent as early as possible.

5. Whenever a representation is made to a statutory authority to redress the claim of the employee, it 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 a stipulated time.

6. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 20.09.2019, in the light of G.O.Ms.No.146, Transport (C), dated 30.11.2015 and pass appropriate order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 20.09.2019, along with a copy of this order, to the respondent for early consideration of the matter.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-12526[F] dated 19/03/2020)

Order made in
W.P. (MD) No.5729 of 2020
19.03.2020