



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.26176 of 2019

WEB COPY

S.Balakrishnan

... Petitioner

/vs./

The Management of

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,

Karaikudi Region,

rep., by its General Manager,

Karaikudi.

... 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 arrears of wages to the petitioner for the month of July, 2018 together with 18% interest p.a., after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department dated 18.09.2018 and also to revise his terminal benefits, namely gratuity and encashment of 92.5 days earned leaves, based on such wages payable to him on the month of his retirement i.e., July, 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned leave days, together with 18% interest p.a., within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.R.Arunkumar

For Respondent : Mr.D.Sivaraman
Standing Counsel

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 arrears of wages to the petitioner for the month of July, 2018 together with 18% interest p.a., after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department dated 18.09.2018 and also based on which, to revise his terminal benefits together with 18% interest p.a., 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 15.10.2019 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.

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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 15.10.2019 in the light of G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018, 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 (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

The General Manager,
Management of

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-527[F] dated 07/01/2020)

Order made in

W.P. (MD) No.26176 of 2019

07.01.2020

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