



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2020

CORAM:

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

W.P.(MD) No.27357 of 2019

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S.Mohamed Khan

... Petitioner

/vs./

The Management of
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Rep.by its General Manager,
Karaikudi.

... Respondent

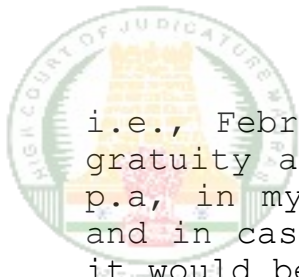
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to pay the arrears of wages to the petitioner payable for the period from 01.01.2017 to 28.02.2017, together with 18% interest p.a., after correctly arriving at the monthly wages by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.01.2017 to 30.06.2017 in the G.O.Ms.No.105, Finance (Allowances) Department, dated 26.04.2017 and also to revise the petitioner terminal benefits, namely gratuity and encashment of 200 days earned leaves based on such wages payable to him on the month of his retirement i.e., February, 2017 and accordingly to pay him balance/arrears of gratuity and encashment of earned days, together with 18% interest p.a within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
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 the arrears of wages to the petitioner payable for the period from 01.01.2017 to 28.02.2017, together with 18% interest p.a., after correctly arriving at the monthly wages by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.01.2017 to 30.06.2017 in the G.O.Ms.No.105, Finance (Allowances) Department, dated 26.04.2017 and also to revise the petitioner terminal benefits, namely gratuity and encashment of 200 days earned leaves based on such wages payable to him on the month of his retirement



i.e., February, 2017 and accordingly to pay him balance/arrears of gratuity and encashment of earned days, 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.

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3. The petitioner would submit that he has already made representation on 05.09.2019 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 05.09.2019, 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 respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Karaikudi Region, Karaikudi.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-35[F] dated 02/01/2020)

Order made in

W.P. (MD) No.27357 of 2019

Dated:02.01.2020

SMA/21/01/2020/2P/3C

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