



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1836 of 2021

J.U.Sahaya Arulraj

...Petitioner

Vs.

1.The Managing Director,
TamilNadu State Transport Corporation (KUM) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KUM) Ltd.,
Kumbakonam Region,
New Railway Station Road,
Kumbakonam-612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner difference amount with regard to gratuity and leave salary on the basis of the 13th wage settlement with interest at the rate of 6% per annum, within the time frame fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman
Standing Counsel

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 his difference amount with regard to gratuity and leave salary on the basis of the 13th wage settlement with interest at the rate of 6% per annum, 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 12.12.2020 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
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to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merit 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 12.12.2020, in terms of settlement under Section 12(3) of the Industrial Dispute Act, on its own merits and pass appropriate orders within a period of six (6) 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Managing Director,
TamilNadu State Transport Corporation (KUM) Ltd.,
New Railway Station Road,Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KUM) Ltd.,
Kumbakonam Region,New Railway Station Road,Kumbakonam-612 001

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-3681[F] dated 08/02/2021)

+1 CC to M/s.S.GOKUL, Advocate (SR-3555[F] dated 05/02/2021)

W.P. (MD) No.1836 of 2021

04.02.2021

(NSM) CO

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