



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1865 of 2021

A.Muthukannu

...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, directing the respondent to pay the petitioner difference/arrears of his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on revised/re-fixed scale of pay as admitted by the respondent in its letter dated 05.07.2016 and also as entered in his service book with correct dearness allowance and all other allowances payable to him on the month of his retirement ie., March 15, together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : 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 respondent to pay the difference/arrears of his terminal benefits, namely Gratuity, Encashment of Leave, after revising the same based on revised/re-fixed scale of pay as admitted by the respondent in its letter dated 05.07.2016 and also as entered in his service book with correct dearness allowance and all other allowances payable to him on the month of his retirement ie., March 2015, together with 18% interest per annum, 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.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent 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 respondent herein to consider the petitioner's representation dated 15.10.2019, 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 respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar(CS-II)

// 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

The General Manager, The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-3682[F] dated 08/02/2021)
W.P.(MD) No.1865 of 2021

NSM(CO)

TR(02.03.2021) 2P 3C