



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.2381 of 2021

T.Karthikesan

...Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the settlement under Section 12 (3) of the I.D Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently, directing the respondents to revise and re-fix his retirement benefits and to disburse pension arrears from 01.07.2017 to 31.08.2019 and difference amounts in his gratuity, leave salary to him with interest at the rate of 18% per annum payable from 01.10.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For R-1 and R-2 : Mr.P.Balasubramanian
Standing Counsel

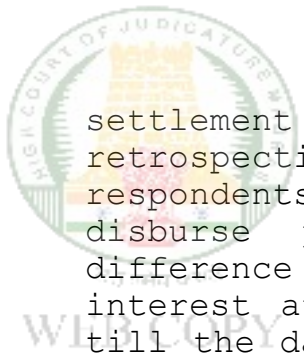
For R-3 : Mr.A.Swaminathan

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 revise the his pay as per the

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settlement under Section 12(3) of the I.D Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently, to direct the respondents to revise and re-fix his retirement benefits and to disburse pension arrears from 01.07.2017 to 31.08.2019 and difference amounts in his gratuity, leave salary to him with interest at the rate of 18% per annum payable from 01.10.2017 to till the date of actual payment, 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 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.

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

Sd/-

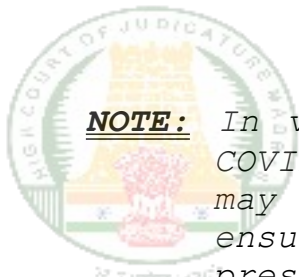
Assistant Registrar

// 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.

+1 CC to M/s.A.RAHUL, Advocate (SR-4394[F] dated 10/02/2021)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-4370[F] dated 10/02/2021)

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(NSM) CO
AP(23/02/2021) 3P 3C