



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3561 of 2021

S.Kanisyous Amuthan

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli.

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

3.The Chief Financial Officer,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Corporate Office, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to settle the arrears of salary Rs.36,000/- pending due unsettled for the period from 01.10.2017 to 30.04.2018 being the date of retirement for the period of 8 months, in terms of G.O.Ms.No.134, Transport (D) Department dated 09.04.2018 along with interest at the rate of 18% p.a.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.R.Rajamohan
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.Since the petitioner's request to the respondents to settle the arrears of salary Rs.36,000/- pending for the period from 01.10.2017 to 30.04.2018 to him, in terms of G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018 along with interest was not considered, the Writ Petition has been filed. According to the petitioner, he has made the representations in this regard on 16.10.2020 and 31.12.2020, which is still pending.



3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representations dated 16.10.2020 and 31.12.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondents to consider the petitioner's representations dated 16.10.2020 and 31.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands 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

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Corporation (Tirunelveli) Ltd.,
Tirunelveli.

2.The General Manager,
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Tirunelveli Region, Tirunelveli.

3.The Chief Financial Officer,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Corporate Office, Tirunelveli.

+1 CC to Mr.R.RAJAMOHAN, Advocate (SR-6996[F] dated 24/02/2021)

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22.02.2021

KM (10.03.2021) 3P 5C