



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5628 of 2021

M.Rajamanickam

...Petitioner

Vs.

1.The Management of 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.,
Karur Region,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct 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 difference amounts in his gratuity and leave salary to him with interest at the rate of 18% per annum payable from 01.04.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For 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.Since the petitioner's request to the respondents to revise his 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 to revise and re-fix his gratuity and leave salary to him with interest was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 18.02.2021, 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 first respondent herein to consider the petitioner's representation dated 18.02.2021, 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 first respondent to consider the petitioner's representation dated 18.02.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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)

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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 Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

WEB COPY

+1 CC to M/s.A.RAHUL, Advocate (SR-11111[F] dated 15/03/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11310[F] dated 16/03/2021)

W.P. (MD) No.5628 of 2021

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sss(CO)
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