



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17992 of 2021

G.Anbalagan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation., (Kumbakonam) Ltd.,
27, New Railway Station Road,
Kumbakonam - 612001.

2.The General Manager,
Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd.,
Kumbakonam Region,
27, New Railway Station Road, Kumbakonam - 612001.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pensions Arrears and to revise Pensions on the basis of 12(3) Settlement dated 01.04.2018 and pass such further or other orders as this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman,
Standing Counsel for R1 & R2.
Mr.A.Swaminathan,
Standing Counsel for R3.

ORDER

This writ petition has been filed this petition for the issuance of a Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pensions Arrears and to revise Pensions on the basis of 12(3) Settlement dated 01.04.2018.



2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to disburse his difference amount of Gratuity, Surrender Leave, Pensions Arrears and to revise pensions on the basis of 12(3) Settlement dated 01.04.2018, 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 03.09.2021 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 the statutory authority to redress the claim of the employee, 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. 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 observation, there shall be a direction to the respondents herein to consider the petitioner's representation dated 03.09.2021, 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 in accordance with law.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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



To

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Chennai 2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-31086[F] dated 04/10/2021)

+1 CC to M/s.K.GOKUL, Advocate (SR-31150[F] dated 05/10/2021)

W.P (MD) No.17992 of 2021

04.10.2021

MGJ(28.10.2021) 3P 6C