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W.P.No.10004 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10004 of 2012
and WMP.No.25356 of 2018

K. Arularasu

... Petitioner

Vs.

- 1.The Chairman and Managing Director,
Indian Bank – Head Office,
Rajaji Salai, Chennai – 600 001.
- 2.The Branch Manager,
Indian Bank, Sillarahalli Post,
Pappireddipatti Taluk, Dharmapuri.
- 3.The Deputy General Manager,
Circle Head, Indian Bank,
Circle Office, Pennagaram Road,
Dharmapuri – 2.
- 4.The Honourable Secretary,
(Financial Sector),
Department of Banking and Insurance,
Ministry of Finance,
Government of India,
North Block,
Lok Nayak Bhavan, New Delhi – 110 011.

... Respondents



W.P.No.10004 of 2012

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the petitioner's incremental arrears and gratuity arrears from 19.10.2005, till date of payment with interest at the rate of 18% per annum.

For Petitioner : Mr.M. Selvam

For Respondents : Mrs.Rita Chandrasekar [R1]
for M/s.Aiyar & Dolia
No appearance – R2 to R4

ORDER

The petitioner herein had given representation dated 13.12.2011 for calculating gratuity and other benefits due to him including 36% interest. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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



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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.

3. Since the representation given by the petitioner dates back to the year 2011, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

M.S.RAMESH,J.



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5. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

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Speaking/Non-speaking

Index:Yes/No

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To

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- 3.The Deputy General Manager,
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