



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NOS.9705 TO 9707 OF 2017

K.Krishnasamy	...Petitioner in W.P.9705/2017
E.K.Gopal	...Petitioner in W.P.9706/2017
R.Murugesan	...Petitioner in W.P.9707/2017

-Vs-

1. The Controlling Authority and Assistant Commissioner of Labour, Salem.
 2. The Management,
TamilNadu State Transport Corporation
Rep. by its General Manager,
(Coimbatore), Ltd., Chennimalai Road,
Erode Region, Erode.
- ...Respondents in all the WPs

Prayer in W.P.No.9705/2017:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to implement the order dated 31.08.2015 passed by the 1st respondent in P.G.No.49/2015 and to pay the Gratuity amount of Rs.17,608/- along with interest at the rate of 10% from 28.01.2011 till the date of payment to the petitioner within stipulated time as may be fixed by this Court.

Prayer in W.P.No.9706/2017:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to implement the order dated 31.08.2015 passed by the 1st respondent in P.G.No.51/2015 and to pay the Gratuity amount of Rs.4,71,545/- along with interest at the rate of 10% from 31.12.2012 till the date of payment to the petitioner within



stipulated time as may be fixed by this Court.

Prayer in W.P.No.9707/2017:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to implement the order dated 31.08.2015 passed by the 1st respondent in P.G.No.50/2015 and to pay the Gratuity amount of Rs.6,54,260/- along with interest at the rate of 10% from 30.11.2012 till the date of payment to the petitioner within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan in all the WPs

For Respondents: Mr.C.Selvaraj,
Addl. Govt. Pleader for R1 in all WPs

Mr.A.Sundaravadhanan for R2 in all WPs

COMMON ORDER

The petitioners herein had given various representations to the second respondent to pay the gratuity as ordered by the first respondent. Since the representations were not considered, the present writ petitions have been filed.

2 It is needless to point out that whenever representations of this nature are 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.

3 Since the representations given by the petitioners dates back in the year 2017, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents 1 and 2 to consider the same.

4 In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents 1 and 2 ventilating their grievances. On receipt of the same, the respondents 1 and 2 shall consider it on its own merits and pass appropriate orders in accordance with law,



within a period of six weeks from the date of receipt of such representations. 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5 With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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1. The Controlling Authority and
Assistant Commissioner of Labour,
Salem.
2. The General Manager,
TamilNadu State Transport Corporation
(Coimbatore), Ltd., Chennimalai Road,
Erode Region, Erode.

+lcc to Mr.I.C.Vasudevan, Advocate, S.R.No.5437
+lcc to the Government Pleader, S.R.No.5680,5681,5714,5701

W.P.Nos.9705 to 9707 of 2017

PCH (CO)
PM/07/02/2022