



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.11986 of 2022

C.Mani

... Petitioner

/vs./

- 1.The Government of Tamilnadu,  
Represented by its Secretary to Government,  
Transport Department,  
Secretariat,  
Chennai-600 009.
  - 2.The Managing Director,  
Tamilnadu State Transport Corporation (Kumbakonam) Limited,  
Kumbakonam,  
Thanjavur District.
  - 3.The General Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) Limited,  
Kumbakonam,  
Thanjavur District.
- ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's benefit of encashment of Earned Leave surrendered by petitioner's before the second and third respondents from the year 2010 to till the date of retirement of the petitioner with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.N.Sudhagar Nagaraj                                |
| For R-1        | : Mrs.D.Farjana Ghoushia<br>Special Government Pleader |
| For R-2 & R-3  | : Mr.K.Jagadees Balan<br>Standing Counsel              |

**ORDER**

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 08.01.2022 seeking for settlement of the petitioner's benefit of encashment of Earned Leave surrendered by petitioner's before the second and third respondents from the year 2010 to till the date of retirement of the petitioner with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.



Since the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 08.01.2022 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 a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/vji

To

1.The Secretary to Government,  
The Government of Tamilnadu,  
Transport Department,  
Secretariat, Chennai-600 009.

2.The Managing Director,  
Tamilnadu State Transport Corporation (Kumbakonam) Limited,  
Kumbakonam,  
Thanjavur District.



3.The General Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) Limited,  
Kumbakonam,  
Thanjavur District.

+1 CC to M/s.K. JAGADEES BALAN, Advocate ( SR-26470[F]  
dated 17/06/2022 )

+1 CC to M/s.SPL.GP. ( SR-26411[F] dated 17/06/2022 )

Order made in  
W.P.(MD)No.11986 of 2022  
Dated:16.06.2022

CK (CO)  
GC(29.06.2022) 3P 6C