



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

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

**W.P. (MD) .No.12234 of 2022**

S.Mullayappan

...Petitioner

Vs

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
By-pass Road,  
Madurai - 625 010.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
By-pass Road,  
Madurai - 625 010.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the eligible difference in unavailed Earned Leave Salary with 6% interest as per G.O.Ms.No.63 Transport (D) Department dated 05.02.2010 based on the revised scale of pay as applicable to the petitioner from the date of petitioner's retirement by considering his representation dated 18.05.2022.

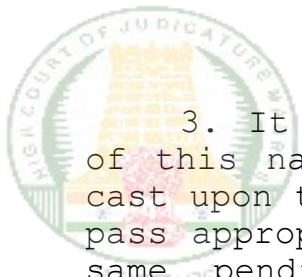
For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.K.Ramaiah,  
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 first respondent on 18.05.2022 seeking for payment of eligible difference in unavailed Earned Leave Salary with 6% interest as per G.O.Ms.No.63 Transport (D) Department dated 05.02.2010 based on the revised scale of pay as applicable to the petitioner from the date of petitioner's retirement. 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 first respondent herein to consider the petitioner's representation dated 18.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 //

/07/2022

Sub Assistant Registrar(CS)

Nsr

To

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
By-pass Road,  
Madurai - 625 010.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
By-pass Road,  
Madurai - 625 010.

+1 CC to M/s.K. VIRALINATHAN, Advocate ( SR-26587[F] dated  
17/06/2022 )

W.P. (MD) .No.12234 of 2022  
17.06.2022

MGJ(01.07.2022) 2P 4C

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