



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.12448 of 2022

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C.Gunasekaran

... Petitioner

Vs.

1.The Management of

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,

The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents pay the petitioner's difference amount in gratuity of Rs.41,166/- as per the wage revision Settlement under Section 12(3) of the I.D.Act dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.11.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

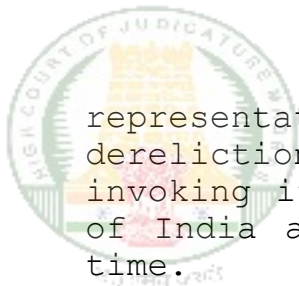
For Respondents : Mr.K.Jagadees Balan
Standing Counsel

O R D E R

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 22.01.2022 seeking difference amount in gratuity of Rs.41,166/- as per the wage revision Settlement under Section 12(3) of the I.D.Act dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.11.2016 to till the date of actual payment. 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.

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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.01.2022 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 //

/07/2022

Sub Assistant Registrar(CS)

TM

TO

1.The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

+1 CC to M/s.A. RAHUL, Advocate (SR-26971[F] dated 20/06/2022)

+1 CC to M/s.K. JAGADEES BALAN, Advocate (SR-27338[F] dated 22/06/2022)

W.P. (MD) No.12448 of 2022
20.06.2022

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