



WP(MD)No.17353 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.17353 of 2022

K.Uthirapathy

... Petitioner

/Vs./

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay petitioner's difference in gratuity and difference in leave salary as per the wage revision settlement under Section 12(3) of the ID Act dated 04.01.2018 with interest at the rate of 6% per annum payable from 01.11.2017 to till the date of actual payment within the time limit stipulated by this Court.



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For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Jagadees Balan
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 09.04.2022 seeking for paying difference in gratuity and difference in leave salary as per the wage revision settlement under Section 12(3) of the ID Act dated 04.01.2018 with interest at the rate of 6% per annum payable from 01.11.2017 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



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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 09.04.2022 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.

04.08.2022

Index : Yes / No

Internet : Yes / No

Rmk



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M.S.RAMESH, J.

Rmk

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.,
Kumbakonam Region,
Kumbakonam.

Order made in
W.P.(MD) No.17353 of 2022

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