



W.P.(MD).No.18256 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18256 of 2022

P.Mohan

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam – 612 001.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam – 612 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay and to pay difference in eligible Earned Leave Salary, S.L. Leave Salary and Gratuity from December 2016 to September 2019 together onwards with interest at the rate of 18% per annum in terms of 7th pay commission recommendations for revision of pay and as per G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018 within the time limit that may be fixed by this Court.



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For Petitioner : Mr.S.Royce Immanuel
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 05.07.2022 seeking for payment of difference in Gratuity, Surrender Leave Salary and accumulated unearned (Medical) leave on private affairs and Medical allowance. 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



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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 05.07.2022, 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. There shall be no order as to costs.

12.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk



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To

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The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
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M.S.RAMESH, J.

Lm/Rmk

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