



WP(MD)No.19692 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.08.2022**

CORAM:

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

W.P.(MD)No.19692 of 2022

R.Mohandoss

... 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.

3.The Administrator,
The Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to pay the petitioner's difference in gratuity of Rs.1,35,710/-, difference in leave salary of Rs.36,286/-



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and difference in pension arrears 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 percentage per annum payable from 01.06.2017 to till the date of actual payment within a time frame fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan

Standing Counsel (for R1 & R2)

Mr.S.C.Herold Singh

Standing Counsel (for R3)

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 21.07.2022 seeking for difference in gratuity and difference in leave salary with interest at the rate of 6 percentage per annum payable from 01.06.2017 to till the date of actual payment. Since the said representation was not considered, the present writ petition has been filed.



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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 respondents 2 and 3 herein to consider the petitioner's representation dated 21.07.2022 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.



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5.With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

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TO:

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Pudukottai.

- 2.The Administrator,
The Tamil Nadu State Transport Employees Pension Fund Trust,
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M.S.RAMESH, J.

Sm

Order made in
W.P.(MD)No.19692 of 2022

Dated:
25.08.2022