



WP(MD)No.20294 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2022**

CORAM:

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

W.P.(MD)No.20294 of 2022

R.Dhanabal

... Petitioner

/vs./

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

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

... 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.99,512/-, difference in leave salary of Rs.18,036/- 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 01.04.2017 to till the date of actual payment.



WP(MD)No.20294 of 2022

WEB COPY

For Petitioner : M/s.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, seeking for difference in gratuity of Rs.99,512/-, difference in leave salary of Rs. 18,036/- 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 01.04.2017 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,



WP(MD)No.20294 of 2022

WEB COPY

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 petitioner to give a fresh representation to the respondents, though he has made a representation, seeking for difference in Gratuity and Earned leave salary 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 01.04.2017 to till the date of actual payment. On receipt of such a representation, the respondents herein are directed to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) weeks from the date of receipt of a fresh representation. 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.



WP(MD)No.20294 of 2022

WEB COPY

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

30.08.2022

Index : Yes / No
Internet : Yes / No
btr/cp

To

- 1.The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region,
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WP(MD)No.20294 of 2022

M.S.RAMESH, J.

btr/cp

Order made in
W.P.(MD)No.20294 of 2022

Dated:
30.08.2022