



W.P.(MD).No.20764 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.20764 of 2021

S.Sankar

... Petitioner

Vs.

- 1.The Deputy Secretary to Government,
Transport (C1) Department,
Secretariat,
Chennai-9.
- 2.The Financial Advisor and Chief Accounts Officer,
Tamilnadu State Transport Corporation
(Madurai Limited),
Madurai Regional Office,
By-Pass Road,
Madurai.
- 3.The General Manager,
Tamilnadu State Transport Corporation
(Madurai Limited),
Madurai Regional Office,
By-Pass Road,
Madurai.

...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 pay the differential Gratuity amount of Rs.84,868/-, the Employees Retirement Benefits Scheme (ERBS) amount with interest at the rate of 12% and for the belated payment of the petitioner's retirement benefits.



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For Petitioner : Mr.R.Saravanan
For R-1 : Mr.G.Suriyananth,
Additional Government Pleader.
For R-2 and R-3 : Mr.J.Senthil Kumaraiah,
Standing Counsel.

ORDER

The petitioner herein had given a representation to the respondents on 26.07.2021 seeking for payment of the differential gratuity amount of Rs.84,868/- and the Employees Retirement Benefits Scheme (ERBS) amount. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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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3. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the second and third respondents, seeking for payment of the differential gratuity amount of Rs.84,868/- and the Employees Retirement Benefits Scheme (ERBS) amount together with interest. On receipt of such a representation, the second and third respondents herein are directed to consider the same, 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 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.

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

21.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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M.S.RAMESH, J.

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