



W.P.No.6277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6277 of 2023

V.S.Rajendran

...Petitioner

Vs

1.The Management of Tamil Nadu,
State Transport Corporation [Villupuram] Ltd.,
Represented by its Managing Director,
Villupuram.

2.The General Manager,
The Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Cuddalore Region, Cuddalore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to revise gratuity and terminal leave salary based on the basic pay payable to the petitioner as per Clause 5 of the settlement dated 04.01.2018 as on the date of his retirement and pay the difference amounts in gratuity, Leave salary with 6% interest per annum from the date of his retirement to till the date on which the above difference amounts in terminal benefits are settled to the petitioner with a time frame.



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For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Venkatesa Perumal

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 15.10.2022 seeking for a direction to revise the gratuity and terminal leave salary based on his basic pay. 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 dereliction of duty and hence, this



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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 15.10.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 ordered. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Villupuram.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Cuddalore Region, Cuddalore.

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