



W.P.No.5993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5993 of 2023

M.Dhayalan

...Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.5, Ramakrishna Road,
Salem - 636 007.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri District.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the differential amount Gratuity, Earned Leave Salary and other benefits of Earned Leave Surrender Arrears in the year 2009 - 2012, last month 7 days salary and IRT share amount along with interest at the rate of 12% and considering the petitioner's representation dated 16.12.2022.

For Petitioner : Mr.N.Desinghu

For R1 & R2 : Mr.K.Raja

ORDER

Heard Mr.N.Desinghu, learned counsel for the petitioner and Mr.K.Raja, learned counsel for the first and second respondents.

2. Since an order directing the official respondents to dispose of the petitioner's representation would not cause prejudice to the third respondent, notice to the third respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the first respondent on 16.12.2022, seeking for settlement of his retirement



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benefits, together with interest for the belated payment. Since the said representation was not considered, the present writ petition has been filed.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 16.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of



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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.

6. With the above direction, the Writ Petition stands ordered. No costs.

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Index:Yes/No

Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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