



W.P.No.18586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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V.Rajendiran

...Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Limited,
3/137, Salamedu, Valudha Reddy Post,
Villupuram - 605 602.

2.The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Vengikkal, Bye Pass Road,
Thiruvannamalai - 606 604.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay difference in gratuity with 10% interest to the petitioner by taking note of initial training period of calculating gratuity and surrendered leave salary with 10% interest.



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For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.R.Venkatesa Perumal,
Standing Counsel

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondent on 27.03.2023, seeking for payment of the difference in gratuity and surrender leave salary, together with interest. 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 them 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



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invoking its extraordinary powers under Article 226 of the Constitution of the 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 27.03.2023 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 made by 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 disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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