



W.P.No.28975 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28975 of 2023

K.Venkatachalam

...Petitioner

Vs

The Management of Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Erode Region,
Rep.By its Managing Director,
Erode.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2019 to 29.02.2020 and also the terminal benefits viz., Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to the petitioner on the month of his retirement as admitted by the respondent in RTI information dated 17.07.2023 together with 18% interest per annum.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.Murali Vinodh
Standing Counsel



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ORDER

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Heard Mr.V.Ajoy Khose, learned counsel for the petitioner and Mr.Murali Vinodh, learned Standing Counsel for the respondent. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given representation to the respondent on 17.07.2023, seeking for a direction to pay the difference/arrears of wages for the period from 01.09.2019 to 29.02.2020 and also the terminal benefits viz., Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to the petitioner on the month of his retirement as admitted by the respondent in RTI information dated 17.07.2023 together with 18% interest per annum. 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 respondent 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



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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 respondent herein to consider the petitioner's representation dated 17.07.2023 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 of the petitioner and that it is open to the 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

sr



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M.S.RAMESH,J.,

SR

To

The Management of Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Erode Region,
Rep.By its Managing Director,
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