



WEB COPY



W.P.No.31642 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31642 of 2023

T.Raj

...Petitioner

Vs

M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to compute the salary for 73.5 days Medical Leave as per the last drawn salary of the petitioner drawn at the time of retirement on 31.05.2017 and pay the difference amount of Rs.1,55,330/- with 6% interest in light of the orders passed by the Madurai Bench of this Hon'ble Court in W.P.(MD).No.14520 of 2020 on 21.03.2023 and as per the G.O.(Ms).No.220 Transport (C1) Department dated 06.08.1999 by considering the representation of the petitioner dated 20.09.2023.



W.P.No.31642 of 2023

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.L.S.M.Hasan Fizal
Standing Counsel

ORDER

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

2. The petitioner herein had given a representation to the respondent on 20.09.2023, requesting to settle his balance Medical Leave salary in the light of the order passed in W.P.(MD).No.14520 of 2020 dated 21.03.2023 and as per G.O.(Ms).No.220 Transport (C1) Department dated 06.08.1999. 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 on 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



W.P.No.31642 of 2023

amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct him 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 20.09.2023 and pass appropriate orders in accordance with law, within a period of six (6) 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.

03.11.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk



WEB COPY



W.P.No.31642 of 2023

M.S.RAMESH,J.

hvk

To

The Managing Director,
M/s.State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai – 600 002.

W.P.No.31642 of 2023

03.11.2023