



W.P.No.33516 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.33516 of 2023

A.Akthar Hussain

...Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy Post,
Salamedu,
Villupuram-605 602.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay the difference of gratuity amount and difference of leave encashment amount as per the 12(3) settlement along with interest at the rate of 18% within the stipulated time.

For Petitioner : Mr.J.Pradeep

For Respondens : Mr.T.Venkatesa Perumal
Standing Counsel

ORDER

Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned Standing Counsel for the respondent. With the consent of both



W.P.No.33516 of 2023

sides, the main writ petition has been taken up for final disposal.

WEB COPY

2. The petitioner herein has given a representation to the respondent on 17.10.2023, seeking payment of the difference of gratuity amount and difference of leave encashment amount as per the 12(3) settlement along with interest at the rate of 18%. 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 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 to consider the representation of the petitioner dated 17.10.2023 on its



W.P.No.33516 of 2023

own merits and pass appropriate orders in accordance with law, within a period of eight 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 respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

30.11.2023

Index:Yes/No
Internet:Yes/No
sr

To

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy Post,
Salamedu,
Villupuram-605 602.



WEB COPY



W.P.No.33516 of 2023

M.S.RAMESH,J.

Sr

W.P.No.33516 of 2023

30.11.2023