



W.P.No.32468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32468 of 2023

M. Selvan

... 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 praying to issue a Writ of Mandamus, directing the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.19 to 31.01.20 and also terminal benefits namely Gratuity and Encashment of leave, after revising the same, based on the scale of pay payable to him on the month of his retirement as admitted by the respondent in the RTI information dated 12.10.23, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.V. Ajoy Khose

For Respondent : Mr.M. Murali Vinodh,
Standing Counsel



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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 had retired from service from the respondent Corporation on 31.01.2020 on attaining the age of superannuation. The difference/arrears of wages for the period from 01.09.2019 to 31.01.2020 and the terminal benefits namely Gratuity and Encashment of leave, after revising the same, based on the scale of pay payable to him on the month of his retirement, was not settled. To an application made by the petitioner under the Right to Information Act, seeking for certain information, the respondent, in their communication dated 12.10.2023, had admitted that the petitioner's pay scale is revised/re-fixed by fixing Rs.47,600/- as basic pay on the month of his retirement. In this regard, the petitioner has also given a representation to the respondent on 20.10.2023. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 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 20.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.



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M.S.RAMESH,J.

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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Speaking/Non-speaking Order

Internet: Yes/No

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To

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

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