



W.P.No.33295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33295 of 2023

J.Balasubramanian

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Limited,
Kancheepuram Region,
No.3/137, Salamedu Vazhuthareddy Post,
Villupuram – 605 602.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvallurvar House, Pallavan Salai,
Chennai – 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay petitioner's surrender leave salary for 30 days of Rs.44,855/- for the years 2018 and 2019 and difference in payment of encashment of Leave Salary of Rs.38,233/- in terms of the 14th Wage Settlement having admitted by the respondent in his RTI reply together with interest @ 6% per annum and also to pay 6% interest on the belated payment of CRBS amount,



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commutation of pension amount to the petitioner for the period from 30.06.2022 [Date of retirement] to till the date of payment by following the order passed in W.P.(MD).No.3757 of 2021 dated 26.02.2021 within a time frame.

For Petitioner : Mr.V.S.Jagadeesan

For R1 : Mr.R.Venkatesaperumal
Standing Counsel

For R2 : Mr.C.S.K.Sathish
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 prayer sought for in this Writ Petition is for a direction to the respondents to pay the petitioner's surrender leave salary for 30 days for the years 2018 and 2019 and difference in payment of encashment of leave salary in terms of 14th Wage Settlement together with interest. In this regard, the petitioner had given a representation to the respondents on 21.07.2023. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.



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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 the 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 1st respondent herein to consider the petitioner's representation dated 21.07.2023, on its 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 concerned 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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Index:Yes/No

Speaking order/Non-speaking order

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To

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