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W.P.No.33599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33599 of 2023

D.Kumar

...Petitioner

Vs

1. The Managing Director

Tamilnadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu
Villupuram – 605 602

2. The General Manager

Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region
No.2, Imperial Road
Cuddalore
Cuddalore District – 607 002

3. The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
No.2, Pallavan Salai, Chennai – 600 002

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay difference in leave salary, difference in gratuity and pension arrears with



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10% interest as per 14th wage settlement dated 24.08.2022 to the petitioner.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel for R1 and R2

Mr.C.S.K.Sathish
Standing Counsel for R3

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 had given a representation on 04.10.2023 seeking for difference in leave salary, difference in gratuity and pension arrears as per 14th wage settlement dated 24.08.2022 with 10% interest. Since the said representation was not considered by the respondents, 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 him 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 the 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 the respondents to consider the petitioner's representation dated 04.10.2023, 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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

No costs.

01.12.2023

Index: Yes/No

Speaking order/Non-speaking order
gpa

To

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Villupuram – 605 602
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M.S.RAMESH,J.

gpa

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