



W.P.(MD).No.3802 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3802 of 2024

S.Krishnamoorthy

... Petitioner

Vs.

The General Manager,
The Tamil Nadu State Transport,
Corporation (Kumbakonam)Ltd.,
Kumbakonam Region,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to settle the retirement benefits payable to the petitioner as per the representation dated 13.07.2023 along with 6% interest payable to the petitioner with a stipulated time frame as may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.K.Ramaiah
Standing Counsel

ORDER

Mr.K.Ramaiah, learned Standing Counsel takes notice for the respondent.



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

3. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was working as Driver in the respondent management from 20.09.1995. He was terminated from service vide order dated 30.10.2000. Challenging the same, he raised a industrial dispute in I.D.No.5 of 2004 before the Labour Court, Cuddalore. On 08.06.2011, the Labour Court passed an award directing the respondent to re-instate the petitioner with continuity of service after deducting three years of service i.e after deducting 3 increments from the date of dismissal. Thereafter, a settlement was arrived under Section 18(1) of the Industrial Dispute Act, 1947 and the petitioner was re-instated on 17.04.2012. Further, he was allowed to retire from service on 31.03.2017. However, his retirement benefits are not paid. Hence, the petitioner made a representations last of which was made on 31.03.2017 and the same was not considered. Hence, the present Writ Petition came to be filed.



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4. 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, this Court hereby directs the respondent to consider the representation of the petitioner by considering the representation dated 31.03.2017 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

20.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM



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L.VICTORIA GOWRI, J.

CM

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