



W.P(MD)No.3671 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.3671 of 2024

G.Kanagaraj

... Petitioner

Vs.

The Management of Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Virudhunagar Region,
Represented by its Managing Director,
Virudhunagar.

... 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 revise / re-fix the scale of pay of the petitioner w.e.f. 01.09.19 to till his retirement based on the wage settlement, dated 24.08.22 and consequently to pay him difference / arrears of wages for the period from 01.09.19 to 30.09.21 and his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

For Petitioner : Mr.S.Arunachalam



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For Respondent : Mr.Ramachandra Pradeep
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondent to revise / re-fix the scale of pay of the petitioner w.e.f. 01.09.19 to till his retirement based on the wage settlement, dated 24.08.22 and consequently to pay him difference / arrears of wages for the period from 01.09.19 to 30.09.21 and his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement together with 18% interest per annum, within a time frame as may be fixed by this Honble Court.

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

3. The petitioner was employed as a Driver in the respondent Corporation on 20.11.1992. He retired from service as Special Grade Driver on 30.09.2021 under Voluntary Retirement Scheme. Though his terminal benefits were settled belatedly, it was not settled correctly. The petitioner is entitled to get the



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benefits under new wage settlement, dated 24.08.2022 which has been arrived between the management of all the State Transport Corporation including the respondent Corporation and the Trade Union. It was given effect from 01.09.2019. As per the new settlement, the petitioner's scale of pay has to be refixed with effect from 01.09.2019 till the month of his retirement i.e., till September 2021 and the respondents should pay the petitioner with arrears of wages from 01.09.2019 to 30.09.2021. Hence, the petitioner sent a detailed representation in this regard to the respondents on 15.12.2023. Since the same was not considered, this writ petition came to be filed.

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.



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5. In view of the same, this Court hereby direct the respondents to consider the representation of the petitioner, dated 15.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

19.02.2024

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

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To

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



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L.VICTORIA GOWRI, J.

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