



W.P.(MD).No.6488 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6488 of 2024

Ammasi

...Petitioner

Vs.

1.Tamilnadu State Transport Corporation
Kumbakonam Ltd.,
Rep. by its Managing Director,
Trichy Region,
Milaguparai,
Trichy.

2. The Assistant Manager,
RC-Thuvakudi Post,
Thuvakudi,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to disburse him the outstanding pensionary benefits of enchashment of earned leave and Medical Leave Salary of Rs.3,80,475/- (Rupees Three Lakhs Eighty Thousand Four Hundred and Seventy Five only) with 18% of interest per annum till the disbursal of amount, based on the petitioner's representation dated 15.02.2024.



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For Petitioner : Mr.S.Krishnan

For Respondents : Mr.K.Ramaiah,
Standing Counsel

ORDER

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

2. The present writ petition has been filed seeking direction to the respondents to disburse him the outstanding pensionary benefits of enchashment of earned leave and Medical Leave Salary of Rs.3,80,475/- (Rupees Three Lakhs Eighty Thousand Four Hundred and Seventy Five only) with 18% of interest per annum till the disbursal of amount, based on the petitioner's representation dated 15.02.2024.

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

The petitioner joined as a Driver in the respondent Corporation on 18.07.1995 at Jeyankondam Depot. Finally, he worked in the 2nd respondent's



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depot as a driver of service vehicle. On attaining the age of superannuation, he retired from service on 31.05.2018. However the respondents have not settled the entire benefits to the petitioner including encashment of Earned Leave and Medical Leave salary. The 2nd respondent had issued a communication dated 16.06.2018 wherein he has acknowledged the particulars of the entire outstanding amount. Despite the same, the said amount is not yet paid to the petitioner. Hence, the petitioner made a detailed representation dated 15.02.2024 seeking to settle the same. However, the same was not considered by the respondents. Hence, this writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. 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



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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.

6. Without going into the merits of this case that this Court hereby direct the respondents to disburse him the outstanding pensionary benefits of enchashment of Earned Leave and Medical Leave Salary of Rs.3,80,475/- (Rupees Three Lakhs Eighty Thousand Four Hundred and Seventy Five only) with 6% of interest per annum till the disbursal of amount, based on the petitioner's representation dated 15.02.2024. and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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

18.03.2024

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



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L.VICTORIA GOWRI, J.

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