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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12542 of 2024

S.Muthuveeran

... Petitioner

Vs

1. The Managing Director,
   Tamil Nadu State Transport Corporation (Mdu) Ltd.,
   Bye-Pass Road, Madurai - 625 016.

2. The General Manager,
   Tamil Nadu State Transport Corporation (Mdu) Ltd.,
   Collectorate Post, Bye-Pass Road,
   Dindigul - 624 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to disburse petitioner's difference amount of gratuity and Earned Leave Salary along with 6 % interest on the basis of the petitioner's representation, dated 07.02.2024, within the time stipulated by this Court.

For Petitioner : Mr. K.Gokul

For Respondents : Mr.S.Ramachandra Pradeep
Standing Counsel

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ORDER

Heard Mr.K.Gokul, learned counsel for the petitioner, Mr.S.Ramachandra Pradeep, learned Standing Counsel, for the respondents.

2.The petitioner has filed this Writ Petition for a direction to the respondents to disburse petitioner's difference in the payment of gratuity and Earned Leave Salary along with 6 % interest on the basis of the petitioner's representation, dated 07.02.2024, within the time stipulated by this Court.

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

4. The petitioner has retired from service as a Special Grade Driver on 31.03.2019. After his retirement, the respondent Corporation has disbursed his gratuity and earned leave salary amount. There is some difference in the amount disbursed. Therefore, the petitioner had made a representation to the respondents on 07.02.2024 to disburse the said difference in gratuity and

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earned leave salary along with interest. However, the same was not considered. Hence, the present writ petition has been filed.

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 respondents 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's application,

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dated 07.02.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

13.06.2024

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

To
1. The Managing Director,
Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Bye-Pass Road, Madurai - 625 016.

2. The General Manager,
Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Collectorate Post, Bye-Pass Road,
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R.N.MANJULA, J.

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ORDER IN
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