



WP(MD) No.13507 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13507 of 2024

R.Gopalakrishnan

... Petitioner

Vs.

1.The Secretary to Government

Transport Department,

Secretariat,

St. George Fort,

Chennai – 600 009.

2.The Managing Director

Tamil Nadu State Transport Corporation (MDU) Limited,

Bye-Pass Road,

Madurai.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to pay the arrears of petitioner's Grade Pay difference amount and 3% increment along with 6% interest on the delayed payment of such arrear to be paid to the petitioner from the date of his promotion as Assistant Manager w.e.f 17.12.2012 to the date of his retirement on 30.04.2022 by considering the petitioner's representation dated 05.06.2023

For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.M.Lingadurai – for R1

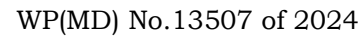
Special Government Pleader

Mr. K.Ramaiah, – for R2

Standing Counsel

ORDER

Heard Mr.P.Vijaynivas, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader



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

3. The petitioner, who has retired from service on 30.04.2022, has filed this writ petition seeking a Writ of Mandamus, directing the respondents to pay 6% interest for the belated payment of arrear to be paid to him from the date of his promotion as Assistant Manager w.e.f. 17.12.2012 to the date of his retirement on 30.04.2022 by considering his representation, dated 05.06.2023. Since the said representation has not been considered by the respondents so far, 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 Government Authority,



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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 Government 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 representation dated 05.06.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made



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clear that this Court has not gone into the merits of 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, the Writ Petition stands **disposed of**. No costs.

25.06.2024

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

RM



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To

1.The Secretary to Government
Transport Department,
Secretariat,
St. George Fort,
Chennai – 600 009.

2.The Managing Director
Tamil Nadu State Transport Corporation (MDU) Limited,
Bye-Pass Road,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13507 of 2024

Dated:
25.06.2024