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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.19369 of 2025**

R.Balasubramanian ... Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Pudukottai Region,
Thirumayam Road,
Pillai Thanneer Panthal,
Pudukottai. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take the petitioner's service period from 01.09.1986 instead of 01.09.1987 and on the basis of the same to disburse the petitioner's difference amount of Gratuity with interest at the rate of 6% p.a. on the basis of the petitioner's representation, dated 18.03.2025.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.K.Ramaiah
Standing Counsel



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**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to reckon the petitioner's service period from 01.09.1986 instead of 01.09.1987 and consequently, disburse the balance gratuity amount due to the petitioner along with interest at the rate of 6% per annum, based on the petitioner's representation dated 18.03.2025.

**2**. The petitioner was appointed as a 'Junior Tradesman' in the respondent Corporation on 01.09.1986 and retired from service on 30.04.2019. The learned counsel for the petitioner submits that, while the actual date of appointment is 01.09.1986, the respondents erroneously reckoned the petitioner's service period from 01.09.1987. As a result, the differential amount of gratuity payable to the petitioner has not been disbursed. Despite making several representations in person to the respondents, no effective action was taken. Subsequently, the petitioner submitted a written representation dated 18.03.2025, seeking redressal of the issue. However, as no action has been taken pursuant to the said representation, the petitioner is left with no other alternative but to approach this Court by way of the present Writ Petition seeking appropriate relief.



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**3**. Heard both sides.

**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 him 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

**5**. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 18.03.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.



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**6**. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No **17.07.2025**
Index : Yes / No
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To:-

1.The Managing Director,
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**VIVEK KUMAR SINGH, J.**

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