



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.2185 of 2020

N.Theivarayan

... Petitioner

/vs./

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

2.The Financial Advisor,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavn Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to settle the petitioner's ERPS(Employees Retirement Pension Scheme) amount from 01.09.1992 to till the date of retirement on 31.05.2017 and surrender leave salary in respect of the year 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 together with interest at the rate of 6% per annum payable as per Court direction, in one installment to the petitioner according to the last drawn salary in the month of May 2017 to the petitioner as per the representation date on 19.12.2019, within a stipulated time frame as fixed by this Court from the date of retirement to till the date of actual payment.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian

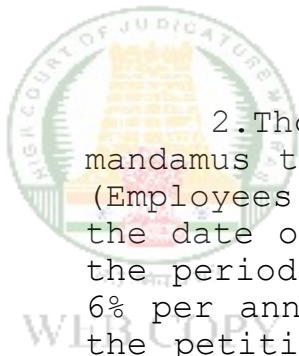
Standing Counsel (for R-1 & R-2)

Mr.A.Swaminathan

Standing Counsel (for R3)

ORDER

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



2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to settle the petitioner's ERPS (Employees Retirement Pension Scheme) amount from 01.09.1992 to till the date of retirement on 31.05.2017 and surrender leave salary for the period from 2011 to 2017 together with interest at the rate of 6% per annum payable as per Court direction, in one installment to the petitioner according to the last drawn salary in the month of May 2017 to the petitioner, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 19.12.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 19.12.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1. The Managing Director,
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+1 CC to Mr.K.GOKUL, Advocate (SR-4656[F] dated 04/02/2020)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-4630[F] dated
04/02/2020)

Order made in
W.P. (MD) No.2185 of 2020
04.02.2020

VB(17.02.2020) 3P 6C