



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2020**

CORAM:

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

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W.P. (MD) No.1749 of 2020

B.Kathiresan

... Petitioner

/vs./

1.The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai.

2.The Administrator,
The Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-60 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 31.10.2016 till the date of realization of amount as per the settlement dated 13.04.2015 under section 12(3) of ID Act 1947, w.e.f. 01.09.2013, payable to him with 16% rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

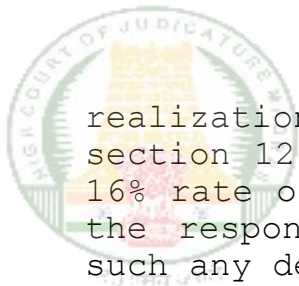
For R1 : Mr.P.Balasubramanian
Standing Counsel

For R2 : Mr.A.Swaminathan

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, directing the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 31.10.2016 till the date of



realization of amount as per the settlement dated 13.04.2015 under section 12(3) of ID Act 1947 w.e.f. 01.09.2013, payable to him with 16% rate of interest, 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.

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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 merit 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, in terms of settlement under Section 12(3) of the Industrial Dispute Act, on its own merits and pass appropriate orders within a period of eight 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 (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

mm

+1cc to Mr.G.M.Xavier, Advocate, SR.No.3844

+1cc to Mr.P.Balasubramanian, Advocate, SR.No.3764

W.P. (MD) No.1749 of 2020
29.01.2020

JMN (11.02.2020) 2P : 3C

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