



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

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

W.P. (MD) No.2294 of 2020

K.R.Neelakandadhas

... Petitioner

/vs./

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
TNSTC Head Office,
Vannarapettai, Tirunelveli,
Tirunelveli District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation Nagercoil Division Ltd.,
Office at Neasamony Nagar,
Kanithottam, Kanyakumari District,
PIN 629 001.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... 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 payment of Gratuity, Earned Leave, Commutation of Pension and other retiral benefits payable to the petitioner which is payable on the retirement of the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.K.P.Krishnadoss

For R-1 and R-2 : Mr.R.Rajamohan
Standing Counsel

For R-3 : Mr.A.Swaminathan



ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to settle the payment of Gratuity, Earned Leave, Commutation of Pension and other retirement benefits payable to him which is payable on the retirement of him with reasonable 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.

3. The petitioner would submit that he has already made representation on 31.12.2019 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 respondent 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 first respondent herein to consider the petitioner's representation, dated 31.12.2019, on its own merits and pass appropriate orders within a period of six (6) 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 her representation and it is for the first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
TNSTC Head Office,
Vannarapettai, Tirunelveli,
Tirunelveli District.

+1 CC to M/s.P.RAJAMOHAN, Advocate (SR-4967[F]
+1 CC to M/s.K.P KRISHNA DOSS, Advocate (SR-4927[F]

Order made in
W.P.(MD)No.2294 of 2020

vp

SDS (20.02.2020) 3P-4C