



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **04.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2169 of 2020

WEB COPY

K.Govindarajulu

... Petitioner

/vs./

1.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam-1.

2.The Adminstrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
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 respondent to settle the interest on the belated payment of Differential Terminal Benefits such as Gratuity, Surrender Leave Salary and Commutation of Pension from the date of retirement till the date of settlement 20.08.2019 in the light of the judgement of this Hon'ble High Court in W.P(MD) No.25725 of 2019 dated 03.12.2019.

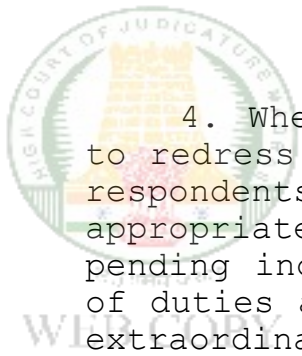
For Petitioner	: Mr.S.Govindan
For R-1	: Mr.P.Balasubramanian
For R-2	: Mr.A.Swaminathan

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 to direct the respondent to settle the interest on the belated payment of Differential Terminal Benefits such as Gratuity, Surrender Leave Salary and Commutation of Pension from the date of retirement till the date of settlement 20.08.2019, 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 22.08.2019 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 22.08.2019, 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)

Cp

To:

1.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam-1.

2.The Adminstrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Pallavan Salai,
Chennai-2.

+1 CC to Mr.S.GOVINDAN, Advocate (SR-4593[F] dated 04/02/2020)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-4632[F] dated
04/02/2020)

Order made in
W.P.(MD)No.2169 of 2020
Dated:04.02.2020