



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.3687 of 2020

Ananthi

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

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 pay the death cum terminal benefits of the petitioner's husband namely gratuity, provident fund, earned leave salary, family benefit fund, Cholan Employees Security Scheme amount and Refund of contribution made to Medical Engineering Polytechnic Colleges and to institute of Road Transport and other terminal benefits, Family Pension from 14.09.2019 to till date with arrears and to continue to pay family pension to the petitioner together with interest at the rate of 18% per annum payable from 14.09.2019 to till the date on which the above amounts are settled to the petitioner.

For Petitioner : Mr.A.Rahul

For R-1 and R-2 : Mr.P.Balasubramanian
Standing Counsel

For R-3 : Mr.A.Swaminathan
Standing Counsel



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 pay the death cum terminal benefits of her husband from 14.09.2019 to till date with arrears and to continue to pay the family pension to her together with interest at the rate of 18% per annum payable from 14.09.2019 to till the date on which the above amounts are settled to him, 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 she has already made a representation on 04.01.2020 +in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 second respondent herein to consider the petitioner's representation, dated 04.01.2020, 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 her representation and it is for the second respondent 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)



To:

- 1.The Managing Director,
Tamil Nadu Transport Corporation
(Kumbakonam) Limited, Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-7858[F] dated
24/02/2020)

+1 CC to M/s.A.RAHUL, Advocate (SR-8575[F] dated 26/02/2020)

Order made in
W.P. (MD) No.3687 of 2020

cp
TK/SAR. /09.03.2020/3P/6C