



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31100 of 2017

P.Thankaraj

...Petitioner

Vs

1.M/s.Tamil Nadu State Transport
Corporation,
Employees Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai - 2.

2.M/s.State Express Transport
Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai - 2.

...Respondents

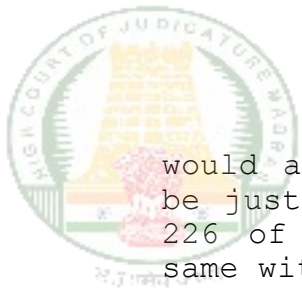
PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take the petitioner's past pensionable service from 01.09.1980 to 31.07.1989 in the light of the order of the High Court in W.P.No.4106 of 2011 dated 23.11.2011 and revise the pension of the petitioner accordingly from 01.06.2015 by considering the representations of the petitioner dated 27.03.2015, 04.05.2016 and 20.11.2017.

For Petitioner	:	Mr.D.Soundar Raj
For R1	:	Mr.C.S.K.Sathish
For R2	:	Mr.V.Kathiresan

ORDER

Since the petitioner's representations to the respondent-Corporation seeking for terminal benefits was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority



would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

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3. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 20.11.2017 within a stipulated time and thereby, the ends of justice could be secured.

4. Accordingly, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 20.11.2017 on its own merits and pass appropriate orders in accordance with law, 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 views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

hvk

To

1.M/s.Tamil Nadu State Transport
Corporation,
Employees Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai - 2.

2.The Managing Director,
M/s.State Express Transport
Corporation Ltd.,
No.2, Pallavan Salai, Chennai - 2.

+1cc to Mr.K.Kathiresan, Advocate SR.No.26

W.P.No.31100 of 2017

PM(CO)
RVM(10/01/2022)