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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15421 of 2017

K.Kalyanasundaram

...Petitioner

Vs

- 1.The Secretary to Government,
Department of Transport
(Nationalized Public Undertaking),
Secretariat, Fort St. George,
Kamarajar Salai, Chennai - 9.
- 2.The Chairman cum Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Anna Salai, Chennai - 2.
- 3.The Administrative Officer,
The State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 2.
- 4.The Chief Account Officer cum
Financial Advisor,
Metropolitan Transport Corporation,
Pallavan House,
Anna 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 re-fix salary for the period of 01.02.2014 to 30.06.2014 as per G.O.(Ms).No.61 Transport (c) Department dated 30.04.2015 and consequently direct the respondents to disburse revised gratuity, pension, commutation, leave surrender (Earned Leave), pension for month of July 2014, Labour Welfare Fund Pension and other terminal benefits with interest at 18% for belated payment from the date of retirement i.e., 30.06.2014 to till realization.



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For Petitioner : Mr.R.Kumaravel

For R1 : Mr.Thippu Sulthan
Government Advocate

For R2 to R4 : Mr.K.Moorthy,
Standing Counsel

ORDER

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

2. Since the petitioner's request for disbursing gratuity, pension, leave encashment and other terminal benefits was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 22.04.2017 which is still pending.

3. It is needless to point out that whenever a representation of this nature is 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.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 22.04.2017 within a stipulated time and thereby, the ends of justice could be secured. 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. Accordingly, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 22.04.2017 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

- 1.The Secretary to Government,
Department of Transport
(Nationalized Public Undertaking),
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W.P.No.15421 of 2017

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srg 10/08/2021