



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3180 of 2021

and

W.M.P (MD) No.2722 of 2021

M.Thangammal

...Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

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

3.The Deputy Manager (Accounts and Audit)
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

4.The Administrator,
The Tamil Nadu State Transport
Corporation 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 Declaration, to declare the action of the respondents in so far as denying family pension to the petitioner as illegal and contrary to award in ID No.119/99 dated 31.10.2013 passed by the Labour Court, Trichy as confirmed in W.P(MD) No.20394/19 dated 23.09.2019 and consequently, directing the respondents to settle all the death cum terminal benefits of petitioner's deceased husband Late.K.Manivel to her including gratuity, Provident Fund, Employees Social Protection Scheme amount and family pension payable from 16.11.2007 with arrears and all other attendant benefits with interest at the rate of 18% per annum from the date of death of her husband I.e., from 16.11.2007 to till the date on which the above amounts are settled to her.

For Petitioner : Mr.A.Rahul
For R-1 to R-3 : Mr.P.Balasubramanian
Standing Counsel



For R-4

: Mr.A.Swaminathan
Standing Counsel

O R D E R

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 a writ of declaration, to declare the action of the respondents in so far as denying family pension to the petitioner as illegal and contrary to award in ID No.119/99 dated 31.10.2013 passed by the Labour Court, Trichy as confirmed in W.P(MD) No.20394/19 dated 23.09.2019 and consequently, direct the respondents to settle all the death cum terminal benefits of her deceased husband Late.K.Manivel to her including gratuity, Provident Fund, Employees Social Protection Scheme amount and family pension payable from 16.11.2007 with arrears and all other attendant benefits with interest, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 03.01.2021 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

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 respondents herein to consider the petitioner's representation dated 03.01.2021, 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 view 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 respondents to consider the petitioner's representation dated 03.01.2021, in the light of the award passed by the Labour Court, Trichy, in I.D.No.119/99, dated 31.10.2013, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands



disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

CP

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
- 3.The Deputy Manager(Accounts and Audit)
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
- 4.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Pallavan Salai, Chennai-2.

+1 CC to Mr.A.RAHUL, Advocate (SR-6569[F] dated 22/02/2021)

+1CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-7034[F] dated 24/02/2021)

Order made in
W.P. (MD) No.3180 of 2021 and
W.M.P(MD) No.2722 of 2021
22.02.2021

SMV (CO)

SRS (16/03/2021) 3P : 7C

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