



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2870 of 2021

A.L.Alagappan

...Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corpn., (KUM) Ltd.,
No.27, New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corpn., (Kum) Ltd.,
Karaikudi Region,
Marudhupathi Managiri Post,
Karaikudi.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions 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 disburse the compensation amount to the petitioners voluntarily Retirement Service with interest on the base of the second respondent letter dated 30.04.2019 in reference of TNSTC/KKD/No/A4/590.

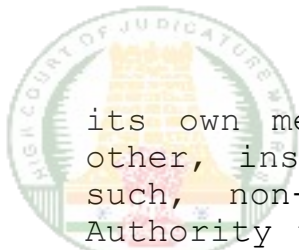
For Petitioner	: Mr.K.Gokul
For R-1 and R-2	: Mr.D.Sivaraman
	Standing Counsel

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.Since the petitioner's request to the respondents to disburse the compensation amount of Voluntarily retirement from the Service with interest to him was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 02.02.2021, 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 02.02.2021, 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 second respondent to consider the petitioner's representation dated 02.02.2021, in the light of the recommendation of the second respondent dated 30.04.2019 in TNSTC/KKD/No/A4/590, 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.

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The General Manager,
Tamilnadu State Transport Corpn., (Kum) Ltd.,
Karaikudi Region,
Marudhupathi Managiri Post, Karaikudi.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-5527[F] dated 17/02/2021)

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16.02.2021

KUN(CO)

KB(01.03.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>