



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3015 of 2021

M.Hyder Ali

...Petitioner

Vs.

The Managing Director/Executive Trustee,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Provident Fund Trust,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road,
Madurai - 16.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to release Rs.4,00,000/- (Rupees Fourt Lakhs only) as part withdrawal from the petitioner's Provident Fund Account Number 11568 maintained by the respondent corporation to meet out the medical expenditure to the knee operation and replacement at the earliest.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.J.Senthil Kumariah

Additional Government Pleader

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 release Rs.4,00,000/- (Rupees Fourt Lakhs only) as part withdrawal from the petitioner's Provident Fund Account Number 11568 maintained by the respondent corporation to meet out the medical expenditure to the knee operation and replacement, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 07.01.2020, 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 respondent herein to consider the



petitioner's representation dated 07.01.2020, 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.

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5. Accordingly, there shall be a direction to the respondent to consider the petitioner's representation dated 07.01.2020, 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.

Sd/-

Assistant Registrar (CS-I)

// 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 Managing Director/Executive Trustee,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Provident Fund Trust,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road,
Madurai - 16.

+1 CC to M/s.K.K.SAMY, Advocate (SR-5557[F] dated 17/02/2021)

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SSS (CO)
KB(10.03.2021) 2P 3C