



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3535 of 2021

G.Jeyasingh Dharmaraj
Conductor (Retd.)
T.N.S.T.C Kumbakonam Ltd.,
Main Road, 5/1, Pandian Compound,
Thenkarai, Santhai Theru, Periyakulam,
Theni District.

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

2.General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Palavan 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 settle the pensionary benefits for 29 years of service instead of 19 years of service in view of the appointment of the petitioner on 30.06.1981 till the date of retirement on 30.04.2010 in terms Clause 2 of the 18 (1) settlement of the Industrial Dispute Act, 1947 dated 28.05.2002 and the consequential reinstatement order of the second respondent dated 31.05.2002 with arrears of wages and pensionary benefits along with 18% interest on the belated payment of terminal benefits.

For Petitioner	: Mr.S.Govindan
For R-1 and R-2	: Mr.P.Balasubramanian Standing Counsel
For R-3	: 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. Since the petitioner's request to the respondents to settle the pensionary benefits for 29 years of service instead of 19 years of service in view of the appointment of him on 30.06.2.1981 till the date of retirement on 30.04.2010 in terms Clause 2 of the 18 (1) settlement of the Industrial Dispute Act, 1947 dated 28.05.2002 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 16.08.2014, 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 16.08.2014, 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 16.08.2014, 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

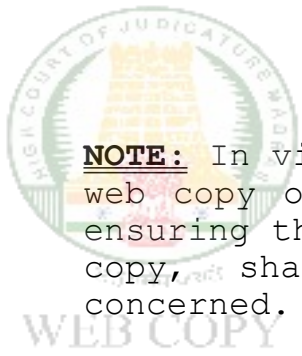
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/ /2021

Sub Assistant Registrar(CS)

CP

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



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.,
Railway Station New Road,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Palavan Salai,
Chennai-2.

+1CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-7050[F] dated 24/02/2021)

Order made in
W.P. (MD) No.3535 of 2021
24.02.2021

PK(CO)
SRS (15/03/2021) 3P : 5C