



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4195 of 2021

S.V.Natesan

...Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai - 16.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.
 - 3.The Administrator,
Tamil Nadu State Transport corporation Employees 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, directing the respondents to grant provisional pension in terms of Rule 19B of the Tamil Nadu State Transport Corporation Employees pension Fund Rules and also other retirement benefits such as Gratuity, Leave Salary, Social Security Scheme Benefits, Employees Retirement Benefit Scheme Benefits as applicable to all Employees for total period of service of 28 years from the date of joining on 03.05.1991 till the date of retirement on 31.05.2019.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel for R1 & R2
Mr.A.Swaminathan
Standing Counsel for R3

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 grant provisional pension in terms of Rule 19B of the Tamil Nadu State Transport Corporation Employees pension Fund Rules and also other retirement benefits such as Gratuity, Leave Salary, Social Security Scheme Benefits, Employees Retirement Benefit Scheme Benefits as applicable to all Employees for total period of service of 28 years from the date of joining on 03.05.1991 till the date of retirement on 31.05.2019, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.08.2019, 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 first respondent herein to consider the petitioner's representation dated 20.08.2019, 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 first respondent to consider the petitioner's representation dated 20.08.2019, 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

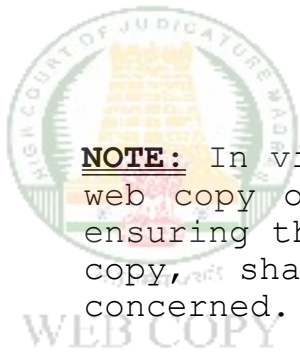
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Sub Assistant Registrar(CS)

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<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

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Madurai - 16.
- 2.The General Manager,
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Madurai.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

Order made in
W.P. (MD) No.4195 of 2021
02.03.2021

PK(CO)
SRS (22/03/2021) 3P : 4C