



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3906 of 2021

J.Santhanam

...Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to forthwith refund the post retirement benefit fund scheme contribution of Rs.17,450/-, to the petitioner together with interest at the rate of 18 percent per annum payable, from 31.05.2017 to till the date on which the above amount is disbursed to the petitioner.

For Petitioner : Mr.A.Rahul
For Respondents : 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 refund the post retirement benefit fund scheme contribution of Rs.17,450/-, to the petitioner together with interest at the rate of 18 percent per annum payable, from 31.05.2017 to till the date on which the above amount is disbursed to the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 10.10.2020, 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 respondents herein to consider the petitioner's representation, dated 10.10.2020, in respect of the petitioner's eligible amount, 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 10.10.2020, in respect of the petitioner's eligible amount, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 (W)

// 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

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

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



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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-8339[F] dated 03/03/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-8322[F] dated 02/03/2021)

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02.03.2021

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KG(CO)

KB(07.04.2021) 3P 5C