



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5130 of 2021

K.Senthilkumar

...Petitioner

Vs.

1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam,
Thanjavur District.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct first respondent to pay the petitioner's terminal/retirement benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned Leaves, Social Security Scheme Benefit, etc., together with 18% interest per annum and further directing the respondents to pay him pension, Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.Senthilkumar
(Party in Person)

For R-1 : Mr.P.Balasubramanian
Standing Counsel

For R-2 : 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 pay his terminal/retirement benefits namely EPF Employee's Contribution, Gratuity, Encashment of Earned Leaves, Social Security Scheme Benefit, etc., and further to pay him pension, Commutation was not considered, the Writ Petition has been filed. According to the



petitioner, he has made a representation in this regard on 08.01.2021.

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 to consider the petitioner's representation dated 08.01.2021, 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 first respondent to consider the petitioner's representation dated 08.01.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cp

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
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam,
Thanjavur District.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-10319[F] dated
11/03/2021)

W.P. (MD) No.5130 of 2021

ES (CO)

KK(30.03.2021) 3P 4C