



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7062 of 2021

A.Marimuthu

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Pudukottai Region,
Pudukottai District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pensions 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, direct the respondents to take 20 years of petitioner's service into account and on the base of the same to disburse difference amount of terminal benefits for Gratuity, Provident Fund and leave Salary along with pension arrears with interest at the rate of 6 percentage and also to revise monthly pension of the petitioner.

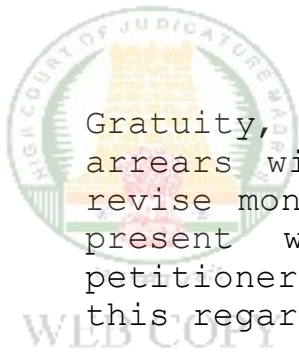
For Petitioner	:	Mr.K.Gokul
For Respondents	:	Mr.D.Sivaraman for R1 & R2 Standing Counsel Mr.A.Swaminathan for R3 Standing Counsel

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 s to take 20 years of petitioner's service into account and on the base of

<https://hdservices.sca.nic.in/hdservices>



Gratuity, Provident Fund and leave Salary along with pension arrears with interest at the rate of 6 percentage and also to revise monthly pension of the petitioner, was not considered, the present writ petition has been filed. According to the petitioner, he has also made a representation on 16.03.2021, in this regard, 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 respondents herein to consider the petitioner's representation dated 16.03.2021, 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 second respondent to consider the petitioner's representation dated 16.03.2021, 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(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM



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 General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Pudukottai Region,
Pudukottai District.

2.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

+1 CC to M/s.K.GOKUL, Advocate (SR-14171[F] dated 29/03/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-14410[F] dated
30/03/2021)

W.P.(MD) No.7062 of 2021
29.03.2021

SRK(CO)
TR(24.04.2021) 3P 5C