



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.7530 of 2021

J.Selvam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Limited,
Bye Pass Road, Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (MDU) Limited,
Collectorate Post, Bye Pass Road,
Dindigul-624 00.

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

... Respondents

PRAYER : Writ petition filed under Article 75306 of the Constitution of India to issue a writ of mandamus, directing the respondents to disburse the terminal benefit difference amount of gratuity commutation, surrender leave, ERBS and interest at the rate of 6% for the belated payment of commutation.

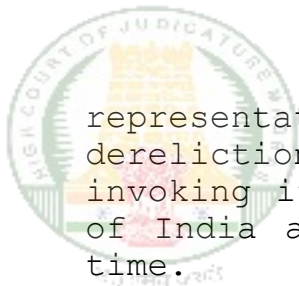
For Petitioner : Mr.K.Gokul
For Respondents : Mr.J.Senthilkumaraiah,
Standing Counsel

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 disburse the terminal benefit difference amount of gratuity commutation, surrender leave, ERBS and interest at the rate of 6% for the belated payment of commutation was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 19.03.2021, 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.

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4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 19.03.2021, 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 respondents to consider the petitioner's representation dated 19.03.2021 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 (P&A)

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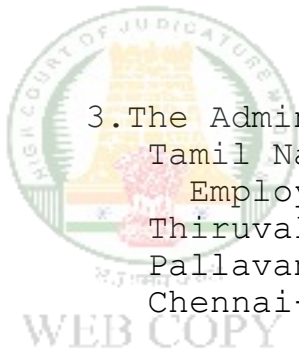
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Sub Assistant Registrar(CS)

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 Managing Director,
Tamil Nadu State Transport Corporation (MDU) Limited,
Bye Pass Road, Madurai-625 016.
2. The General Manager,
Tamil Nadu State Transport Corporation (MDU) Limited,
Collectorate Post,
Bye Pass Road,
Dindigul-624 004



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

+1 CC to M/s.K.GOKUL, Advocate (SR-15171[F] dated 01/04/2021)

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-15366[F] dated
07/04/2021)

W.P.(MD) No.7530 of 2021
01.04.2021

SSS(CO)
KB(24.04.2021) 3P 6C