



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.11407 of 2020

and W.M.P. (MD) Nos.10846 & 10849 of 2020

(Through Video Conference)

WEB COPY

R.Jeyakumar

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Secretary to Government,
Tamil Nadu State Transport Corporation,
Fort St. George, Chennai.
(R1 is deleted from the array of parties vide
court order dated 11.09.2020 in WP(MD).11407 of 2020)

2. The Managing Director,
Tamil Nadu State Transport Corporation,
27 Railway Station,
Kumbakonam 612 001

3. The General Manager,
Tamil Nadu State Transport Corporation,
Pudukkottai Region,
Pillaithanneerpandal,
Pudukkottai.

4. The Administrator,
The Tamil Nadu State Transport Corporation,
Corporation Employees Pension,
Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to provide the petitioner gratuity, with interest from the period of 14.03.1986 to 04.02.1987, Earned Leave Salary and consider the petitioner's representation made on 24.08.2020.

For Petitioner : Mr.A.P.Dhas
For RR 1 & 2 : Mr.P.Balasubramanian
For R-3 : Mr.A.Swaminathan



O R D E R

Since the petitioner's request to consider his representation dated 24.08.2020 was not considered, the Writ Petition has been filed.

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2. 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.

3. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 24.08.2020, 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.

4. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 24.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sts

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,
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Kumbakonam 612 001
2. The General Manager,
Tamil Nadu State Transport Corporation,
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Pillaithanneerpandal, Pudukkottai.
3. The Administrator,
The Tamil Nadu State Transport Corporation,
Corporation Employees Pension,
Pallavan Salai, Chennai 600 002

+1 CC to M/s.A.P.DHAS, Advocate (SR-6351[F] dated 22/02/2021)
Order made in

W.P. (MD)No.11407 of 2020

Dated: **19.02.2021**

KMV (CO)

TR(11.03.2021) 3P 5C