



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.10997 of 2019

WEB COPY

S.Subramani

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Madurai Ltd,
Bye-pass Road,
Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation
Madurai Ltd,
Dindigul Region,
Bye Pass Road,
Collector Office Post,
Dindigul-624 004.

3.The Administrator,
TNSTC Employees Pension Fund Trust,
Pallavan Salai,
Chennai-02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's balance of gratuity by calculating the 31 years service, arrears of pension for 52 months from July 2014 to November 2018 PF, ERBS and other monitory benefits with 18% interest to the petitioner on based on representation dated 07.02.2019, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.M.Pounraj

For R-1 and R-2 : Mr.J.Senthilkumaraiah
Standing Counsel

O R D E R

Since the petitioner's request to the respondents to settle his balance of gratuity by calculating 31 years of service, arrears of pension for 52 months from July 2014 to



November 2018, PF, ERBS and other monitory benefits were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 07.02.2019, which is still pending.

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 first respondent herein to consider the petitioner's representation dated 07.02.2019, 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 first respondent to consider the petitioner's representation dated 07.02.2019, by taking into account the award passed by the Labour Court in I.D.No.26/2008 dated 29.04.2010, as confirmed by this in W.P(MD) No.545 of 2011 dated 30.01.2017, insofar as continuity of service from the date of removal from service is concerned, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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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

The Managing Director,
Tamil Nadu State Transport Corporation
Madurai Ltd,
Bye-pass Road,
Madurai-625 016.

+1 CC to Mr.M.POUN RAJ, Advocate (SR-2558[F] dated 01/02/2021)

W.P.(MD) No.10997 of 2019
29.01.2021

KM (10.02.2021) 3P 3C