



W.P.No.25847 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25847 of 2016

V.K.Kaliappan

...Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Head Office,
No.37, Mettupaliyam Road,
Coimbatore, Coimbatore District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (CBE.DVN.II) Ltd.,
Chennimalai Road, Erode District.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Gopichettipalayam Post & Taluk,
Erode District.

4.The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Pension Commutation value and amount by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also and all other attendant benefits together with interest at the rate of 18% per annum with effect from 14.08.2006 to till the date on which the above terminal benefits were settled within a reasonable time.

For Petitioner : Mr.P.Rajavel

For R1 to R3 : Mr.M.Murali Vinodh

For R4 : No Appearance

ORDER

The present writ petition has been filed seeking a direction to the respondents to disburse the pension, dearness allowances and all other attendant benefits together with interest. In this regard, the petitioner had given a representation on 20.08.2014 to the respondents. The said representation has not been considered by the respondents till date.

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



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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. Since the representation given by the petitioner dates back to the year 2014, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, along with a copy of the earlier representation dated 20.08.2014, ventilating his grievances. On receipt of such a representation, the respondents shall consider it and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made



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by the petitioner and it is open to the respondents to consider it on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

06.12.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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To
WEB COPY

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M.S.RAMESH,J.

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