



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.34856 OF 2016

K.Jayapalan

... Petitioner

-Vs-

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

2. The Administrator,
The Tamil Nadu State Transport
Corporation (Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to settle all the terminal benefits due and payable to the petitioner by calculating the period of service rendered by the petitioner as per the order made in W.P.No.18443 of 2008 with interest at 12% per annum with effect from 01.08.2008 within the time stipulated by this Court.

For Petitioner : Mr.A.Selvaraju

For Respondents : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

The petitioner herein had given various representations to the respondents seeking to settle the retirement benefits as ordered by this Court in W.P.No.18443 of 2008 dated 30.07.2013. Since the representations were not considered, the present writ petition has been filed.



2. It is needless to point out that whenever representations of this nature are 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. Since the representations given by the petitioner dates back to the years 2013 to 2016, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents 1 and 2 to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents 1 and 2 ventilating his grievances. On receipt of the same, the respondents 1 and 2 shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a fresh representation of the petitioner. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
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Salem - 636 007.



2. The Administrator,
The Tamil Nadu State Transport
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Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
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WEB COPY

+1cc to Mr.A.Selvaraju, Advocate, S.R.No.2934

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PMK (CO)
PBS/08/02/2022