



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NOS.34806 & 34776 OF 2018

AND

W.M.P.NOS.40366 & 40328 OF 2018

L.Selvaraj

...Petitioner in W.P.34806/18

R.Muthumanickam

...Petitioner in W.P.34776/18

-Vs-

1. State of Tamil Nadu
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai - 600 009.
2. M/s.Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai - 600 002.
3. M/s. State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2 Pallavan Salai,
Chennai - 600 002.

...Respondents in both the WPs

Prayer in both the WPs: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to sanction dearness allowance to the petitioners from second half year of 2015 onwards at Government rate as ordered by the State Government with arrears as well as interest for belated payment of pensionary benefits as per Rule 20(A) of Tamil Nadu State Transport Corporation Employees Pension Fund Rules by considering the representations of the petitioners dated 02.07.2018.



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For Petitioners : Mr.D.Soundar Raj
- in both the WPs

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader
for R1

Mr.C.S.K.Sathishkumar for R2

Mr.K.Kathiravan for R3
- in both the WPs

COMMON ORDER

The petitioners herein had given various representations to the second respondent to sanction dearness allowance. Since the representations were not considered, these writ petitions have 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 petitioners dates back in the year 2018, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the second respondent to consider the same.

4. In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents ventilating their grievances. On receipt of such representations, the second respondent shall consider the same in the light of Rule 20(A) of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and the decisions of this Court in the case of The State of Transport and Transport Corporations Retired Employees Welfare Association vs. The State of Tamil Nadu and others in W.P.No.34530 of 2012 dated 08.11.2013 and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of such representations. 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, these Writ Petitions stand disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Administrator,
M/s.Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.
3. The Managing Director,
M/s.State Express Transport Corporation Ltd.,
No.2 Pallavan Salai,
Chennai - 600 002.

+2ccs to M/s.K.Kathiresan, Advocate, S.R.No.5759, 5760

+2ccs to Mr.D.Soundar Raj, Advocate, S.R.No.5720, 5721

+2ccs to Mr.C.S.K.Sathish, Advocate, S.R.No.5531, 5532

W.P.Nos.34806 & 34776 of 2018 and
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CA(CO)
RLP(02/03/2022)