



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.5583 of 2020

P.Sekar

... Petitioner

Vs.

1.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

...Respondents

(R-2 is impleaded vide Court order dated 26.08.2022 in W.M.P. (MD) .
No.5161 of 2020 in W.P. (MD) .No.5583 of 2020)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle the total arrears of pension from the next date of his retirement i.e., 01.06.2018 to 12.09.2019 payable to him with reasonable rate of interest within the time stipulated by this Court.

For Petitioner	:	Mr.G.M.Xavier
For R-1	:	Mr.P.Balasubramanian, Standing Counsel.
For R-2	:	Mr.S.C.Herold Singh, Standing Counsel.

ORDER

The petitioner herein had given a representation to the first respondent on 22.02.2020 seeking to settle the total arrears of pension from the next date of his retirement i.e., 01.06.2018 to 12.09.2019, together with interest. Since the said representation was not considered, the present Writ Petition has been filed.

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 specified time.

3. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the second respondent, though he has made a representation, dated 22.02.2020, seeking to settle the total arrears of pension from the next date of his retirement i.e., 01.06.2018 to 12.09.2019, together with interest. On receipt of such a representation, the second respondent herein is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a fresh representation. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)

Lm

To

1.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-41512[F] dated 30/08/2022)

**W.P. (MD) .No.5583 of 2020
26.08.2022**

SI(03.10.2022) 2P 4C