



W.P.(MD).No.7165 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.7165 of 2021

C.Ramamoorthy

... Petitioner

Vs.

1.The Principal Secretary to Government,
State Transport Department,
Secretariat,
Chennai – 9.

2.The Commissioner of State Transport,
Ezhilagam Building,
Chepauk,
Chennai – 5.

3.The Managing Director / General Manager,
Tamil Nadu State Transport Corporation,
Bye-Pass Road,
Collectorate Post Office,
Dindigul – 624 004.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to consider the petitioner's representation dated 02.02.2021 for sanction of pension in the light of G.O.Ms.No.96, Transport (RW1) Department dated 31.07.2015, within a period that may be stipulated by this Court.



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For Petitioner : Mr.K.Ponnaiah
For R-1 and R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-3 : Mr.J.Senthil Kumaraiah,
Standing Counsel.

ORDER

The petitioner herein had given a representation to the respondents on 02.02.2021 seeking for sanction of pension in the light of G.O(Ms)No.96, Transport (RW1) Department, dated 31.07.2015. 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 stipulated time.



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3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 02.02.2021, in the light of G.O(Ms)No.96, Transport (RW1) Department, dated 31.07.2015, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. 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.

21.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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M.S.RAMESH, J.

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