



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.8993 of 2022

Singaravel

... Petitioner

/vs./

1.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Represented by its Managing Director,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli District.

2.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Represented by its General Manager,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to pay interest at the rate of 12 % per annum for the period of delay the Petitioner's date of retirement (31.05.2018) to the date of reimbursement (21.09.2019) of amount paid towards the Petitioner's terminal and pension benefits namely EPF Employee's Contribution, gratuity encashment of earned/sick leaves and other monetary benefits etc., by considering the Petitioner's representation dated 11.03.2020 within a stipulated period as framed by this Court.

For Petitioner : Mr.David Ganesan
For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioner herein had given a representation to the respondents on 11.03.2020 seeking for the interest at the rate of 12 % per annum for the period of delay from the date of Petitioner's retirement (31.05.2018) to the date of reimbursement (21.09.2019) of amount paid towards the Petitioner's terminal and pension benefits namely EPF Employee's Contribution, gratuity encashment of earned/sick leaves and other monetary benefits etc. Since the said representation was not considered, the present writ petition has been filed.



3.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.

4.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 11.03.2020 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli District.

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-24569[F] dated

08/06/2022)

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-24692[F] dated 08/06/2022)

W.P.(MD) No.8993 of 2022

Dated:

06.06.2022

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