



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

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

W.P. (MD)No.11077 of 2022

A.Alagarsamy

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye-Pass Road, Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye-Pass Road,
Madurai - 16.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

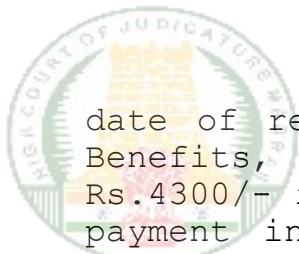
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the difference of pension of Rs.66,717/- as per letter dated 22.11.2019 of respondent, difference in Gratuity, difference in Earned Leave and Medical Leave wages as per the 12(3) Settlement and also to settle Employees Retirement Benefit Scheme Recovery from the petitioner from 1992 till the date of retirement on 30.06.2017 and also to calculate Pensionary Benefits based on the Last Drawn Wages of Rs.16,340/- Grade Pay Rs.4300/- instead of 15,730/- Grade Pay Rs.4300/- along with belated payment interest at the rate of 18 percent p.a.

For Petitioner	:	Mr.S.Govindan
For Respondents	:	Mr.J.Senthil Kumaraiah 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 20.10.2021 seeking for settlement of the difference of pension of Rs.66,717/- as per letter dated 22.11.2019, difference in Gratuity, difference in Earned Leave and Medical Leave wages, as per 12(3) Settlement and also to settle Employees Retirement Benefit Scheme Recovery from the petitioner from the year 1992, till the



date of retirement on 30.06.2017 and also to calculate Pensionary Benefits, based on the Last Drawn Wages of Rs.16,340/- Grade Pay Rs.4300/- instead of 15,730/- Grade Pay Rs.4300/- along with belated payment interest at the rate of 18 percent p.a. 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 second respondent herein to consider the petitioner's representation dated 20.10.2021 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

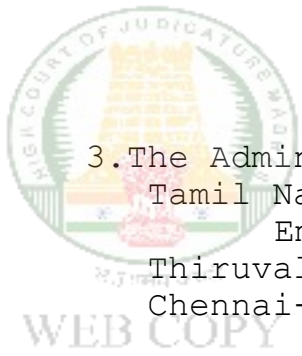
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To:

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2.The General Manager,
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Madurai Region, Bye-Pass Road,
Madurai - 16.

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



3.The Administrator,
Tamil Nadu State Transport Corporation
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Thiruvalluvar Illam, Pallavan Salai,
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W.P. (MD) No.11077 of 2022
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KG (CO)
KB (30.06.2022) 3P 4C