



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.11515 of 2022

P.Ayyaswamy

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Tirunelveli - 627 003

2.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Nagercoil Region,
Ranithottam, Nagercoil-1

3.The Administrator
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavansalai,
Chennai - 600 002.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to settle the petitioner's differentiate of belated payment of arrears of Provident fund, Gratuity, Surrender Leave Salary, earned Leave Salary in respect of the years 2016-2017, 2017-2018, 2018-2019, together with interest at the rate of 18 percent per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.Royce Immanuel
For Respondents : Mr.R.Rajamohan
Standing Counsel

O R D E R

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 30.03.2022 seeking for settlement of the difference amount of belated payment of arrears of Provident fund, Gratuity, Surrender Leave Salary, earned Leave Salary in respect of the years 2016-2017, 2017-2018, 2018-2019, together with interest at the rate of 18 percent per annum payable from the date of retirement to till



the date of actual payment. 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 30.03.2022 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-)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

TM/VSM

To

1.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Tirunelveli - 627 003

2.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Nagercoil Region,
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3.The Administrator
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavansalai,
Chennai - 600 002.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-26864[F] dated 20/06/2022)

+1 CC to M/s.ROYCE IMMANUEAL, Advocate (SR-26719[F] dated
20/06/2022)

W.P. (MD) No.11515 of 2022
17.06.2022

KG (CO)
TR(29.06.2022) 3P 6C