



WEB COPY

W.P.(MD)No.13173 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2022**

CORAM:

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

W.P.(MD)No.13173 of 2022

S.Govindaraj

... Petitioner

/vs./

1.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam-612 001,
Thanjavur District.

2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam-612 001,
Thanjavur District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse all the petitioner's pending retirement benefits along with deferred increment for a continuous period of 9 months at the rate of Rs.200/- per month from the month of September 2007 to May 2012, Non Implement Recovery for a sum of Rs.23,755/- along with pending salary increment from the month of November 2008 to November 2009 and compensation for a sum of Rs.7,500/- towards litigation expenses in prosecuting the criminal case, on the basis of the petitioner's representation, dated 16.05.2022.

For Petitioner : Mr.V.Balaji

For Respondents 1&2 : Mr.K.Jagadees Balan
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 16.05.2022 seeking to disburse all the petitioner's pending retirement benefits along with deferred increment for a continuous period of 9 months at the rate of Rs.200/- per month from the month of September 2007 to May 2012, Non Implement Recovery for a sum of Rs.23,755/- along with pending salary increment from the month of November 2008 to November 2009 and compensation for a sum of Rs.7,500/- towards litigation expenses in prosecuting the criminal case, on the basis of the petitioner's representation. 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 and third respondents to consider the petitioner's representation dated 16.05.2022 on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible. 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/-

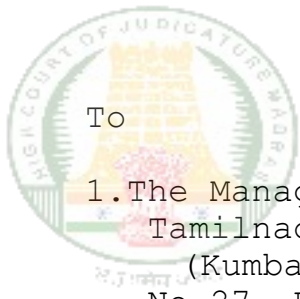
Assistant Registrar (AS)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

btr



To

- 1.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam-612 001,
Thanjavur District.
- 2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam-612 001,
Thanjavur District.
- 3.The Administrator,
Tamilnadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+1 CC to M/s.K. JAGADEES BALAN, Advocate (SR-27944[F] dated
24/06/2022)

+1 CC to M/s.V.BALAJI, Advocate (SR-28431[F] dated 28/06/2022)
W.P.(MD)No.13173 of 2022
24.06.2022

=RD(07.07.2022) 3P 6C