



W.P.(MD) No.14183 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.14183 of 2022

K.Durairaj

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corpn., (MDU) Ltd.,
Bye-Pass Road,
Madurai – 625 016.

2.The Financial Advisor & Chief A/Cs. Officer,
Tamilnadu State Transport Corpn., (MDU) Ltd.,
Bye-Pass Road,
Madurai – 625 016.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House, SETC (TN) Ltd.,
No.2, Pallavan Salai,
Chennai – 600 002.

4.The General Manager,
Tamilnadu State Transport Corpn., (MDU) Ltd.,
Virudhunagar Region Bye-Pass Road,
Virudhunagar.

... Respondents



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WEB COPY **PRAYER**: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to implement and sanction the 3rd Review Benefit eligible on 02.07.2015 after 20 years from the date of joining on 01.07.1995 as per the Wage Settlements for the counting of whole period of service of 21 years of instead of 20 years after deducting the LLP, Suspend & Absent as per Pension Record and the same to be given the difference arrears amounts of 3rd Review benefits with retrospective from 02.07.2015 to the date of retirement on 30.06.2016 and also based on the above, the terminal benefits and pension to be revised and further consequently, direct the respondents to disburse the difference arrears amounts of terminal benefits and Pension with retrospective from the retirement dated on 30.06.2016 to the date of actual payment with interest at the rate of 6% per annum payable to the petitioner within the stipulated time fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : No Appearance

ORDER

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



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2. The petitioner herein had given a representation to the respondents on 09.02.2022 seeking to implement and sanction the 3rd Review Benefit eligible on 02.07.2015 after 20 years from the date of joining on 01.07.1995 as per the Wage Settlements for the counting of whole period of service of 21 years of instead of 20 years after deducting the LLP, Suspend & Absent as per Pension Record and the same to be given the difference arrears amounts of 3rd Review benefits with retrospective from 02.07.2015 to the date of retirement on 30.06.2016 and also based on the above, the terminal benefits and pension to be revised and further consequently, direct the respondents to disburse the difference arrears amounts of terminal benefits and Pension with retrospective from the retirement dated on 30.06.2016 to the date of actual payment with interest at the rate of 6% per annum payable to the petitioner. 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



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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 09.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

12.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
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M.S.RAMESH,J.

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