



WP(MD)No.15319 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2022**

CORAM:

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

W.P.(MD)No.15319 of 2022

M.Manoharan

... Petitioner

/vs./

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bypass Road, Madurai – 16.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region, Madurai.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension,
Fund Trust, Thiurvalluvar 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 Gratuity for 29 years instead of 18 years along with interest and also to settle interest at the rate



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of 18% p.a., for the delayed settlement of pension on 21.06.2022 for a sum of Rs. 3,12,495/- from the date of retirement on 31.03.2014 and to refund the withheld amount of Rs.1,98,339/- recovered from the petitioner on 12.09.2019 along with interest and also to furnish the working sheet with break up details for settling the entire benefits.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.K.Ramaiah,
Standing Counsel for R1 & R2
Mr.S.Herold Singh,
Standing Counsel for R3

ORDER

The petitioner herein had given a representation to the respondents on 02.07.2022, seeking to settle Gratuity for 29 years instead of 18 years along with interest and also to settle interest at the rate of 18% p.a., for the delayed settlement of pension on 21.06.2022 for a sum of Rs.3,12,495/- from the date of retirement on 31.03.2014 and to refund the withheld amount of Rs.1,98,339/- recovered from the petitioner on 12.09.2019 along with interest and also to furnish the working sheet with break up details for settling the entire benefits. Since the said representation was not considered, the present writ petition has been filed.



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2. 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.

3. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 02.07.2022, 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.



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

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Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

vsm

Order made in
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