



WP(MD)No.16209 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

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

W.P.(MD)No.16209 of 2022

N.V.Thamilarasan

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Secretary,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam – 612 001,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichy District.

4.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to sanction the difference amount in respect of retirement benefits such as Gratuity, Earned Leave, Provident Fund, Commutation Pension and all other retirement benefits as per Clause 5 of Wage Settlement as per Section 12(3) of the Industrial Disputes Act, 1947 eligible to the petitioner along with 18 percent interest per annum within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.R.Ragavendran
Government Advocate (for R1)
Mr.K.Jagadees Balan,
Standing Counsel (for R2 & R3)
Mr.S.C.Herold Singh
Standing Counsel (for R4)

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 03.02.2022 seeking for sanction of the difference amount in respect of retirement



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benefits such as Gratuity, Earned Leave, Provident Fund, Commutation Pension and all other retirement benefits, as per Clause 5 of Wage Settlement, as per Section 12(3) of the Industrial Disputes Act, 1947, along with 18 percent interest per annum. 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 respondents herein to consider the petitioner's representation dated 03.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period



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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.

25.07.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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Order made in
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Dated:
25.07.2022