



W.P.(MD) No.16356 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16356 of 2022

K.Selvanathan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
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 pay the petitioner's pension arrears from 01.06.2006 to 28.02.2013 with interest at the rate of 6% per annum in the light of the judgment made in W.P.(MD)No.17707 of 2004 dated 04.01.2012 and pension order dated 01.06.2006 passed by the second respondent.



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For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.K.Jagadees Balan
Standing Counsel for R1
Mr.S.C.Herold Singh
Standing Counsel for R2

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 26.11.2021, to pay the pension arrears from 01.06.2006 to 28.02.2013 with interest at the rate of 6% per annum, in the light of the judgment made in W.P. (MD)No.17707 of 2004 dated 04.01.2012 and pension order dated 01.06.2006 passed by the second respondent.

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



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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 26.11.2021 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 respondents to consider the same on its own merits.

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

26.07.2022

Index : Yes / No

Speaking Order/ Non Speaking Order

ssb/Tm



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M.S.RAMESH,J.

ssb/Tm

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