



WP(MD)No.16775 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2022**

CORAM:

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

W.P.(MD)No.16775 of 2022

R.Tamilselvan

... Petitioner

/vs./

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Pudukottai Region,
Rep. by its General Manager,
Pudukottai.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna 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 treat the entire service period of the petitioner from 01.07.1987 to 30.04.2017 as his pensionable service under TNSTCEPF Rules and to pay him full pension, along with arrears of pension from May 2017 and also balance of Pension Commutation together with interest at the rate of 16% p.a.



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For Petitioner : Mr.S.Arunachalam
For R1 : Mr.K.Jagadees Balan
Standing Counsel
For R2 : Mr.S.C.Herold Singh
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 18.03.2022 seeking for treating his entire service period from 01.07.1987 to 30.04.2017 as his pensionable service under TNSTCEPF Rules and for payment of full pension, along with arrears of pension from May 2017 and also balance of Pension Commutation together with interest at the rate of 16% p.a. 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



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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 18.03.2022 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.

29.07.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

sjj/sm

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Order made in
W.P.(MD) No.16775 of 2022

Dated:
29.07.2022