



WP(MD)No.17204 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM:

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

W.P.(MD)No.17204 of 2022

1.A.Irulappan
2.M.Ganesan
3.A.Muthuramalingam
4.P.Kanniah

... Petitioners

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-pass Road, Madurai-16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Region, Bye-pass Road,
Madurai-16.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the Employees Retirement Benefit Scheme benefits recovery which was effected from the



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petitioners while in service along with belated payment interest at the rate of 6 percent p.a. from the date of retirement till the date of payment.

For Petitioners : Mr.S.Govindan

For Respondents : Mr.S.Sivabalaji
Standing Counsel

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioners herein had given a representation to the respondents on 25.07.2022 seeking to settle the Employees Retirement Benefit Scheme benefits recovery which was effected from the petitioners while in service along with belated payment interest at the rate of 6 percent p.a. from the date of retirement till the date of payment. Since the said representation was not considered, the present Writ Petition has been filed.



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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 first respondent herein to consider the petitioners' representation dated 25.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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Index : Yes / No

Internet : Yes / No

btr

To

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M.S.RAMESH, J.

btr

Order made in
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