



WP(MD)No.17546 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM:

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

W.P.(MD)No.17546 of 2022

G.Ganesan

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Karaikudi Region,
Managiri Post,
Maruthapathi,
Karaikudi,
Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents



WP(MD)No.17546 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pensions Arrears and to revise pensions on the basis of VIIth Pay commission.

For Petitioner : Mr.K.Gokul
For R-1 & R-2 : Mr.K.Jagadees Balan
Standing Counsel
For R-3 : 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 05.01.2021 seeking to disburse the difference amount of Gratuity, Surrender Leave, Pensions Arrears and to revise pensions on the basis of VIIth Pay commission. Since the said representation was not considered, the present Writ Petition has been filed.



WP(MD)No.17546 of 2022

WEB COPY

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 05.01.2021 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.



WP(MD)No.17546 of 2022

WEB COPY 5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

05.08.2022

Index : Yes / No

Internet : Yes / No

btr

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Karaikudi Region,
Managiri Post,
Maruthapathi,
Karaikudi,
Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.



WEB COPY



WP(MD)No.17546 of 2022

M.S.RAMESH, J.

btr

Order made in
W.P.(MD)No.17546 of 2022

Dated:
05.08.2022