

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.19086 of 2022

N.Vijayakumar

... Petitioner

Vs.

1.The State Express Transport
Corporation (Tamil Nadu) Limited,
Represented by its Managing Director,
Pallavan Salai,
Chennai.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle terminal benefits of the petitioner including Provident Fund, Gratuity, Leave Salary and Commuted value of pension together with interest at the rate of 6 % per annum from the date of his retirement to till the date on which the said benefits are settled to him.

For Petitioner : Mr.A.Rahul
For Respondents : 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 15.07.2022 seeking to settle the terminal benefits of the petitioner together with interest. 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 15.07.2022, 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. In case the petitioner is found eligible to receive the monetary benefits, the respondents shall forthwith pay the eligible amount as expeditiously as possible. 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. There shall be no order as to costs.

23.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk

To

- 1.The Managing Director,
The State Express Transport
Corporation (Tamil Nadu) Limited,
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Chennai.
- 2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
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M.S.RAMESH, J.

Lm/Rmk

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