



W.P.(MD) No.19535 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.19535 of 2022

V.Surendrakumar

... Petitioner

Vs.

**1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam – 612 001.**

**2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai District.**

**3.The Administrator,
The Tamil Nadu State Corporation Employees Pension
Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to forthwith disburse petitioner's gratuity of Rs.9,06,859/- and along with 25% balance pension



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arrears payable from 01.11.2018 to till date together with 10% interest per annum.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan for R1 and R2
Standing Counsel

Mr.S.C.Herold Singh for R3
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 10.08.2022 seeking to forthwith disburse petitioner's gratuity of Rs.9,06,859/- and along with 25% balance pension arrears payable from 01.11.2018 to till date together with 10% interest per annum. 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



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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 2 & 3 herein to consider the petitioner's representation dated 10.08.2022 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 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.

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Index : Yes / No
Speaking Order/ Non Speaking Order

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M.S.RAMESH,J.

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