



WP(MD)No.19620 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM:

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

W.P.(MD)No.19620 of 2022

A.Simon Raj

... Petitioner

/vs./

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
rep., by its Managing Director,
27, New Railway Station Road,
Kumbakonam 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to repay a sum of Rs.1,00,810/- recovered from the petitioner's leave salary towards unimplemented increments cut along with interest at the rate of 6% per annum from the date of retirement to till the date of payment.

For Petitioner : Mr.S.Anandha Kumar
For Respondents : Mr.K.Jagadees Balan
Standing Counsel



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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 respondent on 04.05.2022 seeking to refund a sum of Rs.1,00,810/- recovered from his retirement benefits towards un-implemented increments cut. 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation, dated 04.05.2022 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.

25.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

1. The Managing Director,
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(Kumbakonam) Ltd.,
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Kumbakonam 612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation
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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD) No.19620 of 2022

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