

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.20133 of 2022

J.Eban Edwards Yesudian

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (TVL) Limited,
23/2, Thoothukudi Road,
Kattabomman Nagar,
Tirunelveli District – 627 007.

2.The General Manager,
Tamil Nadu State Transport Corporation (TVL) Limited,
Tirunelveli Region,
Tirunelveli District – 627 007.

...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 reimburse the recover amount of Rs.54,600/- from the petitioner's gratuity amount on the base of the petitioner's representation dated 05.03.2021.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Jebaraj,
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 first respondent on 05.03.2021 seeking for reimbursement of the gratuity amount of Rs.54,600/-. 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 first respondent herein to consider the petitioner's representation, dated

05.03.2021, 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. 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.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

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M.S.RAMESH, J.

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