



W.P.(MD) No.20381 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20381 of 2022

M.Antony Mennoharine Michael

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep by its Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli,
Tirunelveli Taluk & District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
KTC Nagar,
Tirunelveli.

4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to sanction the pension by taking the service of the petitioner as 29 years instead of 28 years as per Rule 2(b)(iii) of the Tamil Nadu State Transport Corporation Employees Pension Trust Rules and further direct the respondents to sanction the arrears of pension as per the above rules to the petitioner within the time limit fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 : Mr.G.Suriyananth,
Additional Government Pleader
For R2 and R3 : Mr.D.Jebaraj
Standing Counsel
For R4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



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2. The petitioner herein had given a representation to the respondents on 11.08.2022 seeking to sanction the pension by taking the service of him as 29 years instead of 28 years as per Rule 2(b)(iii) of the Tamil Nadu State Transport Corporation Employees Pension Trust Rules and to sanction the arrears of pension as per the above rules to him. 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 1 and 2 herein to consider the petitioner's representation dated



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11.08.2022 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.

30.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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To

The Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.



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M.S.RAMESH,J.

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