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W.P.No.4256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4256 of 2023

D.V.Padmanaban
Secretary,
Tamil Nadu State Transport Corporations
Staff Federation,
Office at TNSTC Head Office Complex,
Bye-pass Road, Madurai – 625 016.

...Petitioner

Vs

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai – 600 009.

2.The Administrator,
TNSTC Employees Pension Fund Trust,
SETC HO Complex,
Pallavan Salai, Chennai – 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the Medical benefits and other benefits accrued thereon as per the G.O.Ms.No.306 dated 13.10.2017 w.e.f. 01.09.2016 by disposing the representation made by the petitioner on 12.04.2022.



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For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 12.04.2022 seeking for a direction to revise the medical benefits and other benefits accrued thereon, as per G.O.Ms.No.306 dated 13.10.2017. 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



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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 12.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

21.02.2023

Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

- 1.The Principal Secretary to Government,
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Secretariat, Chennai – 600 009.
- 2.The Administrator,
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