



WEB COPY



W.P.No.5669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5669 of 2023

K.Murugananthan

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalaym Road,
Coimbatore-43.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode – 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporation EPF Trust,
Thiruvalluvar House, Anna Salai,
Chennai -2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the terminal benefits of Provident Fund, Gratuity, Encashment of Earned Leave and Commuted value of Pension, along with interest at the rate of 12% per annum, within a specified time.



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For Petitioner : Mr.N.Senthikumar

For Respondents : Mr.M.Murali Vinodh

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 first respondent on 20.01.2023, seeking for settlement of the terminal benefits of Provident Fund, Gratuity, Encashment of Earned Leave and Commuted value of Pension, together with interest at the rate of 12% 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 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 first respondent herein to consider the petitioner's representation dated 20.01.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 ordered. No costs.

24.02.2023

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

hvk

To

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