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W.P.No.6340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6340 of 2022

M.Ranganathan

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road,
Salem-7.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 28.06.2018 to refix the pension considering the entire 33 years period of service and pay the same with arrears and pass appropriate orders within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.K.Rajan,
Standing Counsel



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ORDER

Heard Mr.J.Saravana Vel, learned counsel for the petitioner and Mr.K.Rajan, learned Standing Counsel for the respondent.

2.The petitioner herein had given a representation to the respondent on 25.06.2018 for pensionary retirement benefits. 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 him 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 the 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



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to the respondent herein to consider the petitioner's representation dated 25.06.2018, 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.

5.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 respondent to consider the same on its own merits.

6.With the above direction, the Writ Petition stands disposed of.

No costs.

07.06.2023

Index:Yes/No

Speaking order/Non-speaking order
vga

To

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road,
Salem-7.



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M.S.RAMESH,J.

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