



W.P.No.6672 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6672 of 2023

M.Ravi

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by the Secretary,
Transport Department, Secretariat,
St.George Fort, Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem – 636 007.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region, Bharathipuram,
Dharmapuri – 636 705.

4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare
Fund Scheme, Thiruvallur House,
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 settle the petitioner's wife namely A.Lilly Emelda's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender and ML Surrender with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner's husband payable from the date of retirement i.e., 27.05.2022 to till date of actual payment to the petitioner with the time stipulated by this Court and in favour of the petitioner.

For Petitioner : Mr.M.Selvam

For R1 : Mr.E.Sundaram
Government Advocate

For R2 & R3 : Mr.K.Raja,
Standing Counsel

ORDER

Heard Mr.Selvam, learned counsel for the petitioner, Mr.E.Sundaram, learned Government Advocate for the first respondent and Mr.K.Raja, learned Standing Counsel for the second and third respondents.



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2. In view of the order to be passed in this Writ Petition directing the third respondent to consider the petitioner's representation, notice to the fourth respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the third respondent on 12.07.2022 seeking for settlement of retirement benefits of his wife. Since the said representation was not considered, the present writ petition has been filed.

4. 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.



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5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 12.07.2022 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.

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

03.03.2023

Index:Yes/No
Speaking order/Non-speaking order
hvk



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St.George Fort, Chennai – 600 009.
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Corporation (Salem) Ltd.,
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M.S.RAMESH,J.

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