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W.P.No.19174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19174 of 2022

P.Manoharan

...Petitioner

Vs

1. The Tamil Nadu State Transport Corporation Ltd.,
Rep by its Managing Director,
T.N.S.T.C (Villupuram Divisiion),
Villupuram.

2. The General Manager,
T.N.S.T.C (Villupuram Division),
Villupuram.

3. The General Manager,
T.N.S.T.C Cuddalore Region,
Cuddalore.

4. The Secretary,
Transport Corporation Employees Co-op
Thrift and Credit Society No.X-367,
New No.19, Old No.10, Rathnam Nagar,
Near L.R.Samy Building, Teynampet,
Chennai-600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to disburse retirement and terminal benefits along with interest to the



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petitioner forthwith.

For Petitioner : Mr.M.Ragul Kousik

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

Heard Mr.M.Ragul Kousik, learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned Standing Counsel for the respondents.

2. The petitioner retired from the service of the respondents on 31.07.2022, but the respondents 1 to 3 are yet to pay his retirement benefits such as Provident Fund, Gratuity and Commutation Allowance. The petitioner filed an RTI application and received a reply from TNSRC on 16.03.2023 stating that the retirement benefits of Provident Fund of RS.7,20,024/-, Gratuity of Rs.6,58,426/- and Commutation Allowance of Rs.4,54,275/- are yet to be paid. The petitioner has also sent a representation to the first respondent on 07.06.2023, seeking to disburse his terminal 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



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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 to 3 herein to consider the representation of the petitioner dated 07.06.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 1 to 3 to consider the same on its own merits.

M.S.RAMESH,J.,



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sr

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

sr

To

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