



W.P.No.28414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

W.P.No.28414 of 2023

S.Shanmugam

...Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
No.3/137, Salamedu,  
Vizhupuram - 605 602.

2.The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
No.2, Pallavan Salai,  
Chennai - 600 002.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay difference in gratuity and pension arrears with 10% interest as per 14<sup>th</sup> Wage Settlement dated 24.08.2022 to the petitioner.



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For Petitioner : Mr.S.T.Varadarajalu  
For R1 : Mr.R.Venkatesa Perumal,  
Standing Counsel  
Fro R2 : Mr.C.S.K.Sathish,  
Standing Counsel

### **ORDER**

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to the respondents on 04.09.2023, seeking for payment of difference in gratuity and pension arrears. 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



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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 to the first respondent herein to consider the petitioner's representation dated 04.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 disposed of.

No costs.

**03.10.2023**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

***hvk***



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**M.S.RAMESH,J.**

*hvk*

To

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