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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31613 of 2023

P.V.Vithyananth ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, 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 disburse the belated payment of interest amount of Provident Fund,

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Gratuity, Commutation and Earned Leave Salary amounts and other unsettled benefits, Leave Surrender for the year of 2009-2011 and 2017-2018 and ERBS Pension with effect from 21.08.2021.

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.K.Raja,
Standing Counsel [R1 & R2]

Mr.C.S.K.Sathish,
Standing Counsel [R3]

ORDER

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

2. The grievance of the petitioner is that he has not been settled with certain terminal benefits after his retirement and also the interest for the belated payment of terminal benefits. In this regard, the petitioner has given representations to the respondents on 30.06.2023 and 10.10.2023. Since the said representations have not been considered till date, 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 them 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 to the respondents herein to consider the petitioner's representations dated 30.06.2023 and 10.10.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 made by the petitioner and that it is open to the respondents to consider the same on its own merits.

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M.S.RAMESH,J.

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5. With the above direction, the Writ Petition stands disposed of. No costs.

06.11.2023

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

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