



WEB COPY



W.P.No.32443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32443 of 2023

K. Rajendran

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem – 7.

2.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, 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 the petitioner interest at the rate of 12% per annum for the belated payment of his PF, gratuity, earned leave salary, commuted value of pension and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 12% within a specified time, as may be fixed by this Court, award costs.



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For Petitioner : Mr.R. Krishnasamy

For R1 : Mr.K. Raja,
Standing Counsel

For 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 admission stage itself.

2. The petitioner herein has given a representation to the respondents on 19.06.2023, seeking for payment of interest at the rate of 12% per annum for the belated payment of his PF, gratuity, earned leave salary, commuted value of pension; for settlement of the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 12%. Since the said representation has 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 nature is made to a Statutory Authority, there is a duty cast upon them to



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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 herein, to consider the petitioner's representation dated 19.06.2023, 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 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.

17.11.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem.

2.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
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