



WEB COPY



W.P.No.32677 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.32677 of 2023

R. Sankar

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu State Transport Corporation,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram District.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Kancheepuram Division,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide the benefits under the old pension scheme for the date on his appointment i.e. 15.02.1999, by considering the petitioner's representation dated 20.09.2023 within the time framed by this Court.



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For Petitioner : Mr.G. Punniakoti
For R1 : Mrs.V. Yamuna Devi,
Special Government Pleader
For R2 & R3 : Mrs.Pavithra,
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 20.09.2023, requesting them to provide the benefits under the old pension scheme for the date of his appointment i.e. 15.02.1999. 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 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,



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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 20.09.2023, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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

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