



WEB COPY



W.P.No.33287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33287 of 2023

G.Kothandan

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
3/137, Salamedu,
Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region, Rangapuram,
Vellore – 632 009.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvallurvar 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 calculate the petitioner's pension based on his last pay drawn at Basic Pay



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of Rs.14,110+Grade Pay of Rs.2,450/- and consequently revise and disburse him the difference sum of pension with effect from November 2017 with interest at the rate of 8% per annum from the said date of entitlement to till the date of actual disbursement within a stipulated time.

For Petitioner : Mr.J.Lakshminarayanan

For R1 & R2 : Mr.R.Venkatesaperumal
Standing Counsel

For R3 : 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 prayer sought for in this Writ Petition is for a direction to the respondents to calculate the petitioner's pension based on his last pay drawn and consequently revise and disburse him the difference sum of pension with effect from November 2017 together with interest. In this regard, the petitioner had given a representation to the respondents on 02.09.2023. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.



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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, 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 1st respondent herein to consider the petitioner's representation dated 02.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.



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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.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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