



W.P.No.33671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33671 of 2023

P.Pushpakaran

...Petitioner

Vs

1. The Managing Director
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu
Villupuram – 605 602
2. The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region
Rangapuram, Vellore – 632 009
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvarillam
Anna Salai, Chennai – 600 002

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the petitioner the difference sum of interest paid towards the belated disbursement of his commuted value of pension with further interest at



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the rate of 6% per annum from the date of entitlement to till the date of actual payment within a time limit to be fixed by this Court.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel for R1& R2

Mr.CSK.Sathish
Standing Counsel for R3

ORDER

Heard Mr.J.Lakshmi Narayanan, learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned Standing Counsel for Respondents 1 and 2 and Mr.CSK.Sathish, learned Standing Counsel for third respondent.

2. The petitioner herein had given a representation to the respondents on 29.08.2023 to disburse the petitioner the difference in interest paid towards the belated disbursement of his commuted value of pension with further interest at the rate of 6% per annum from the date of entitlement to till the date of actual payment. Since the said



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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 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 the 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 29.08.2023 in the light of order passed by this Court dated 12.09.2023 in W.P.No.26660 of 2023 etc., batch and on its own merits and pass appropriate orders in accordance with law, within a period of four 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



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merits of the claim made by 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.

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Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

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