



W.P.No.34717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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1.M.Ganesan Staff No.JO6096
S/o.Muthusamy

2.T.N.Shanmugam Staff No.JO5405
S/o.Nachimuthu

3.M.Chandran Staff No.JO6296
S/o.Marudhachalam

4.R.Murugesan Staff No.JO2071
S/o.Ramasamy

5.S.Selvan Staff No.JO9478
S/o.Subbaiah Pillai

6.A.Mohamed Ali Staff No.JO4101
S/o.Abibulla

7.R.Selvaraj Staff No.JO9303
S/o.Rangasamy

...Petitioners

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 43.



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2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode - 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporation EPF Trust,
Thiruvalluvar House, Anna Salai,
Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay RBSR (Retirement Benefit Scheme Recovery) along with interest and interest for the belated payment of Provident Fund, Gratuity and Encashment of Earned Leave and Commuted value of pension at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For Petitioner : Mr.N.Senthil Kumar

For Respondents : Mr.M.Murali Vinoth
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.



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2. The petitioners herein have given representations to the respondents on 31.07.2023, 15.09.2023 and 19.09.2023, seeking to refund RBSR (Retirement Benefit Scheme Recovery) along with interest and interest for the belated payment of Provident Fund, Gratuity and Encashment of Earned Leave and Commuted value of pension at the rate of 12% per annum, within a specified time fixed by this Court. 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 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 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



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to the respondents herein, to consider the petitioners' representations dated 31.07.2023, 15.09.2023 and 19.09.2023, 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.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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