



WEB COPY



W.P.No.34936 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34936 of 2023

R.Sahadevan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy Post,
Salamedu,
Villupuram 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram Region,
Villupuram.

3.The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, 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 direct 1st and 3rd respondents to pay the payment of pension arrears from



W.P.No.34936 of 2023

01.07.2015 to 30.04.2019, difference of Gratuity and Commutation and re-fix the rate of pension and considering the petitioner's representation dated 11.09.2023.

For Petitioner : Mr.N.Desinghu
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 petitioner herein has given a representation to the first and third respondents on 11.09.2023, seeking for payment of pension arrears, difference of Gratuity and Commutation and for re-fixing the rate of pension. Since the said representation has not been considered till date, the present Writ Petition has been filed.



W.P.No.34936 of 2023

WEB COPY

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 to the first and third respondents herein, to consider the petitioner's representation dated 11.09.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



W.P.No.34936 of 2023

M.S.RAMESH,J.

Sni

5. With the above direction, the Writ Petition stands disposed of.

No costs.

15.12.2023
(1/2)

Index:Yes/No

Speaking order/Non-speaking order

Sni

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy Post,
Salamedu,
Villupuram 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram Region,
Villupuram.

3.The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employees Post Retirement Welfare Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

W.P.No.34936 of 2023