



W.P(MD)No.9089 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.9089 of 2021

Vijay

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
By-pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Dindigul Region,
By-pass Road,
Dindigul.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to disburse all the benefits namely provident fund, Gratuity, Leave Salary and other terminal benefits inclusive family pension on account of death of the petitioner's father namely C.Govindan, S/o. Chinnasamy, Employment No.DR.52334 to the petitioner and his brother namely G.Vinith and his sisters namely G.Ramayee and G.Vennila proportionately on the basis of



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the petitioner's representation, dated 10.08.2019 within the time frame as fixed by this Court.

For Petitioner : Mr.J. Lawrance

For Respondents : Mr.S.C. Herold Singh
Standing counsel

ORDER

This Writ Petition has been filed for issuing direction to the respondents to disburse all the benefits namely provident fund, Gratuity, Leave Salary and other terminal benefits inclusive family pension on account of death of the petitioner's father namely C.Govindan, S/o. Chinnasamy, Employment No.DR.52334 to the petitioner and his brother namely G.Vinith and his sisters namely G.Ramayee and G.Vennila proportionately on the basis of the petitioner's representation, dated 10.08.2019 within the time frame as fixed by this Court.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's father viz., C.Govindan was working as



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Driver under the second respondent Corporation in Dindigul region.

While in service, the petitioner's father died on 08.08.2010. Even before the death of the petitioner's father, his mother passed away. Hence, the petitioner on behalf of himself and other legal heirs viz., brother Vinith and his sisters G.Ramayee and G.Vennila made a representation, dated 10.08.2019 seeking disbursement of all the benefits namely provident fund, Gratuity, Leave Salary and other terminal benefits inclusive of family pension of the petitioner's father. However, the same was not considered. Hence, the present Writ Petition came to be filed.

4. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, the



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respondents are directed to consider the representations of the petitioner, dated 10.08.2019 within a period of twelve (12) weeks from the date of receipt of a copy of this order, with eligible interest.

6. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs.

14.08.2023

Index : Yes / No
Internet : Yes/ No
trp

To

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L.VICTORIA GOWRI, J.,

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