



W.P.(MD).No.16018 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16018 of 2023

D.Kumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Madurai Limited,
Bye-Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport
Corporation Madurai Limited,
Madurai.

... 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 settle a sum of Rs.19,739/- towards the payment of refund amount of Post Retirement Benefits Scheme amount together with interest at the rate of 6% per annum from the date of retirement i.e., on 02.11.2012 in the light of this Court order in W.P(MD)No.7277 of 2017, by considering the petitioner's representations dated 06.10.2022 , 28.12.2022 and 17.06.2023.



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For Petitioner : Mr.M.Pounraj

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

ORDER

The present writ petition has been filed seeking direction to the respondents to settle a sum of Rs.19,739/- towards the payment of refund amount of Post Retirement Benefits Scheme amount together with interest at the rate of 6% per annum from the date of retirement i.e., on 02.11.2012 in the light of the order of this Court passed in W.P(MD)No.7277 of 2017, by considering the petitioner's representations, dated 06.10.2022 , 28.12.2022 and 17.06.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Conductor on 19.12.1992 on temporary basis and confirmed on 21.12.1993. Then, he was promoted as Senior Grade Conductor and he had worked for 20 years of unblemished record of service. After that, he was dismissed from service by order dated 02.11.2012



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for absence and he had raised an Industrial Dispute in I.D.No.91 of 2015 on the file of the learned Labour Court, Madurai. The learned Labour Court confirmed the respondent's dismissal order by order, dated 09.01.2017. In the meanwhile, the petitioner challenged the above said award before this Court in W.P(MD)No.7277 of 2017 and the said writ petition came up finally on 13.03.2018 and the award of the Labour Court in I.D.No.91 of 2015 dated 09.01.2017 was modified as compulsory retirement on 02.11.2012.

4. Thereafter, the petitioner retired from service vide order of this Court dated 13.03.2018 and the terminal benefits, such as PF, Gratuity, un-availed leave salary and arrears of pension amount were settled to the petitioner on 13.11.2019 and 28.02.2022, but the social security scheme amount for a sum of Rs.19,739/- was not settled. In this regard, the petitioner had sent several representations to the respondents on 06.10.2022 and 28.12.2022. But, the petitioner had not received any response from the respondents. Hence, he again sent a representation on 17.06.2023 seeking to disburse the social security scheme amount for a sum of Rs.19,739 till date. Since the same was not considered, the present writ petition has been filed.



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5. 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 respondents 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.

6. It is made clear that without going into the merits of this case, the respondents are directed to consider the representations of the petitioner dated 06.10.2022, 28.12.2022 and 17.06.2023 for the eligible amount, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

03.07.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.

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