



WP(MD)No.15858 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2023**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.15858 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 for issuance of Writ of Mandamus, directing the respondents to pay 6% interest for the belated payment of arrears of pension payable to the petitioner a sum of Rs. 57,910/- from the date of the petitioner's retirement i.e. on 02.11.2012 in the light of this Court order in W.P(MD)No.7277 of 2017 to till the date of actual payment made to the petitioner i.e., 13.11.2019, by considering the petitioner's



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representation dated 23.03.2023.

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

ORDER

The present Writ Petition has been filed for a Writ of Mandamus, directing the respondents to pay 6% interest for the belated payment of arrears of pension payable to the petitioner a sum of Rs.57,910/- from the date of the petitioner's retirement i.e. on 02.11.2012 in the light of this Court order in W.P(MD)No.7277 of 2017 to till the date of actual payment made to the petitioner i.e., 13.11.2019, by considering the petitioner's representation dated 23.03.2023.

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

3. The petitioner was appointed as a conductor on 19.12.1992 on temporary basis and was confirmed on 21.12.1993. Then he was promoted as Senior Grade conductor and he was working to the entire satisfaction of the superiors for a



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period of 20 years. In the meanwhile, he was dismissed from service by order dated 02.11.2012 for his absence. Challenging the said order of dismissal, the petitioner raised an Industrial Dispute in I.D.No.91 of 2015 on the file of the learned Labour Court, Madurai. The learned Labour Court, Madurai confirmed the respondent's dismissal order by order dated 09.01.2017. The petitioner challenges the said award before this Court in W.P(MD)No.7277 of 2017.

4. However, the Labour Court award dated 09.01.2017 was modified as compulsory retirement on 02.11.2012. As a result of which, the petitioner was retired from service in terms of the order passed by this Court dated 13.03.2018 and the terminal benefits such as Provident Fund, Gratuity, Un-availed leave salary and arrears of pension amount payable to the petitioner on the date of retirement was belatedly settled to him on 13.11.2019. Thereafter the petitioner made several representations in person to the respondents to pay interest for the belated payment of pension arrears. But there was no response from the respondents. Finally on 23.03.2023 he had sent a representation to the respondents seeking the very same relief and that was not considered. Hence, 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 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.

6. It is made clear that without going into the merits of this case, the respondents are directed to consider the representation of the petitioner dated 23.03.2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

03.07.2023

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



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2.The General Manager,
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L.VICTORIA GOWRI, J.

BTR

Order made in
W.P.(MD)No.15858 of 2023

Dated:
03.07.2023