



W.P.(MD).No.16713 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16713 of 2023

P.Boopathy

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

... 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 pay the 6% interest on the delayed payment of retirement benefits paid to the petitioner, from the date of his retirement i.e., 30.06.2022 to actual payment made on 23.05.2023, in view of this Court orders and the petitioner's representation, dated 19.06.2023.



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For Petitioner : Mr.P.Vijaynivas
For R-1 : Mr.K.Jegadeesh Balan
Standing Counsel
For R-2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to pay the 6% interest on the delayed payment of retirement benefits paid to the petitioner, from the date of his retirement (i.e.,) 30.06.2022 to actual payment made on 23.05.2023, in view of this Court orders and the petitioner's representation, dated 19.06.2023.

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 employed in the respondent Corporation in the year 1987 and he served more than 35 years without any blemish and monetary loss to the Transport Corporation. While he was working as Checking Inspector at Karaikudi Regional Office, he attained superannuation on 30.06.2022. In the meanwhile, after his retirement, he applied for retirement benefits. However,



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due to financial crisis of the Transport Corporation, his retirement benefits were not granted at the time of his retirement and the same was paid only in the month of May, 2023 nearly one year later. Hence, the petitioner herein had given a representation to the first respondent on 19.06.2023 seeking 6% of interest for the delayed payment of his retirement benefits. Since the said representation was not considered, the present Writ Petition has been 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 first respondent is directed to consider the representation of the petitioner, dated 19.06.2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above said observation, this Writ petition stands disposed of.

There shall be no order as to costs.

12.07.2023

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

To

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- 2.The Administrator,
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L.VICTORIA GOWRI, J.

BTR

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