



W.P.(MD).No.20562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20562 of 2023

A.Pugalendhy

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Represented by its Managing Director,
Madurai.

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

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... 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 petitioner's 25% of the pension arrears from July 2020 to May 2021 along with pension for the month of May 2020 with 6% interest per annum.



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For Petitioner : Mr.A.Rahul
For R-1 & R-2 : Mr.K.Ramaiah
Standing Counsel
For R-3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to pay the petitioner's 25% of the pension arrears from July 2020 to May 2021 along with pension for the month of May 2020 with 6% interest per annum.

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

3. The petitioner retired from service of the first respondent Corporation as Special Grade Conductor on 30.04.2020. After his retirement, his terminal benefits were not paid. The petitioner's wife one Rama filed W.P(MD)No. 10767 of 2020 seeking the respondent Corporation not to disburse the petitioner's retirement benefits to the petitioner. By the order, dated 03.09.2020,



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this Court directed to disburse the retirement benefits payable to the petitioner after deducting an amount of Rs.3,02,500/- towards the maintenance which the petitioner was liable to pay to his wife Rama. Accordingly, the respondent Corporation deducted the said amount from his retirement benefits and paid an amount of Rs.5,52,050/- towards Gratuity on 14.09.2021. He was not paid with full pension but only 75% of pension from June 2020 and full pension was restored only from 06.09.2021. As a result of which, the arrears of balance in pension which is liable to be paid for the period from July 2020 to July 2021. Hence, the petitioner made a representation on 14.02.2023. But that is of no avail. Hence, this 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.



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5. Hence, this Court hereby directs the respondents to consider the representation made by the petitioner, dated 14.02.2023 with respect to the payment of 25% of pension arrears from July 2020 to May 2021 along with a pension for the month May 2020 with eligible interest within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of.
There shall be no order as to costs.

24.08.2023

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

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai.



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(Madurai) Limited,
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L.VICTORIA GOWRI, J.

BTR

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