



W.P.(MD).No.23898 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23898 of 2023

T.Manickam

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Division,
Corporate Office,
Vannarapettai,
Tirunelveli-627 011.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to settle the retirement benefits viz., Gratuity EL encashment and PF to the petitioner along with interest at the rate of 18% per annum from the date of retirement till the date of actual payment.

For Petitioner : Mr.D.Siva Raman



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For R-1 : Mr.N.Muthuvijayan
Special Government Pleader

For R-2 : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the second respondent herein to settle the retirement benefits viz., Gratuity, EL encashment and PF to the petitioner along with interest at the rate of 18% per annum from the date of retirement till the date of actual payment.

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

3. The petitioner joined the services of the second respondent as Junior Engineer on 17.02.1984. While so, due to his health condition, the petitioner sought for voluntary retirement. His request for voluntary retirement was considered by the Board of Directors of the second respondent Corporation and a resolution was also passed on 23.11.2021, sanctioning the voluntary retirement. Thereafter, the second respondent vide proceedings, dated



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22.12.2021 sanctioned the payment of the service Gratuity and also Earned Leave Encashment of the petitioner. The petitioner's pension was also sanctioned by the TNSTC Employees' Pension Fund Trust on 28.06.2022 with effect from 01.12.2021. The petitioner was allowed to retire on 30.11.2021. However, the petitioner's retirement benefits, namely, Gratuity, Provident Fund and Earned Leave Encashment are yet to be paid. Though the petitioner retired on 30.11.2021 and the second respondent himself sanctioned the payment of Gratuity and Earned Leave Salary on 22.12.2022 and the pension is being paid from 01.12.2021, other retirement benefits, namely, Gratuity, Earned Leave Salary and Provident Fund are yet to be paid. In view of the same, the petitioner had made several representations and the last of which was on 05.08.2023 and 25.08.2023. However, the same was not considered. 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 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



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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.

5. In view of the limited relief sought for by the petitioner in this case, this Court hereby direct the second respondent to settle the retirement benefits, namely, Gratuity, Earned Leave Encashment and Provident Fund to the petitioner along with 6% interest from the date of retirement till the date of actual payment considering his representations, dated 05.08.2023 and 25.08.2023, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed, accordingly. There shall be no order as to costs.

29.09.2023

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



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L.VICTORIA GOWRI, J.

BTR

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