



W.P.(MD).No.3256 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3256 of 2024

R.Rajendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (KUM) Ltd.,
No.27, New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
Karaikudi Region,
Managiri Post, Maruthapathi,
Karaikudi,
Sivagangai District.

3.The Administrator,
Tamilnadu State Transport
Corporation,
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents



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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 disburse the petitioner's pension arrears from 01.03.2023 to 01.08.2023 on the base of the petitioner representation dated 21.11.2023 within a time frame fixed by this Court.

For Petitioner : Mr.K.Gokul

For R-1 & R-2 : Mr.K.Jegadeesh Balan,
Standing Counsel

For R-3 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

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

2. The present writ petition has been filed seeking direction to the respondents to disburse the petitioner's pension arrears from 01.03.2023 to 01.08.2023 on the base of the petitioner representation dated 21.11.2023 within a time frame fixed by this Court.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a Conductor in the respondent Corporation. On attaining the age of superannuation, he retired on 31.05.2016 as a Selection Grade Conductor. After his retirement on 26.11.2022, he went to Canada for his daughter's delivery and returned back to India on 04.09.2023. As a result of which, he failed to submit his life certificate, due to his absence in India. After returning, he approached the respondent with his life certificate and requested them to settle his pension arrears from 01.03.2023 to 01.08.2023. However, the same was not settled by the respondents. Hence, the representation was given to the respondents by the petitioner on 21.11.2023. Since the same was not considered by the respondents, the present Writ Peition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsels appearing for the respondents. Carefully perused the materials available on record.



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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. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner dated 21.11.2023 and pass appropriate orders in accordance with law within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

14.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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