



W.P.(MD).No.3162 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.3162 of 2024**

S.P.Raja

... Petitioner

Vs.

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

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

... 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 pension arrears of Rs.1,57,248/- payable to the petitioner for the period



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from the date of the petitioner's retirement to till the date of payment of revised pension i.e., from 01.05.2017 to 31.08.2019, in the light of the settlement made under Section 12(3) of I.D.Act dated 04.01.2018 along with appropriate interest.

For Petitioner : Mr.S.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 pension arrears of Rs.1,57,248/- payable to the petitioner for the period from the date of the petitioner's retirement to till the date of payment of revised pension i.e., from 01.05.2017 to 31.08.2019, in the light of the settlement made under Section 12(3) of I.D.Act dated 04.01.2018 along with appropriate interest.

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



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

The petitioner is the retired employee of the respondent Corporation and he retired on attaining the age of superannuation on 30.04.2017. He was working as Checking Inspector at Karaikudi Regional Office at the time of his retirement. The petitioner was provided with a monthly pension of sum of Rs.20,314/- (Rupees Twenty Thousand Three Hundred and Fourteen only) from the date of his retirement. However, after the settlement made under sec 12(3) of ID Act came into force, his monthly pension was revised as Rs.25,930/- (Rupees Twenty Five Thousand Nine Hundred and Thirty only). However, the revised pension was disbursed only with effect from 05.10.2019 instead of 01.09.2016. Hence, the petitioner made a representation dated 21.07.2023 to the respondents seeking his pension arrears along with interest at the rate of 6% p.a., Since the same was not considered by the respondents, the present writ petition came to be filed.



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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.

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, this Court hereby direct the respondent to consider the representation of the petitioner dated 01.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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

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

To

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**L.VICTORIA GOWRI, J.**

Sml

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