



W.P(MD)No.5822 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5822 of 2024

K.Sundaralingam

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Post Box No.46,
New Road, Railway Station,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Head Office,
Kumbakonam, Thanjavur District.
- 3.The Deputy Manager,
Personal Accounts Section,
Tamil Nadu State Transport Corporation,
Head Office,
Kumbakonam, Thanjavur District.
- 4.The Assistant Manager (Labour),
(Kumbakonam Limited),
Tamil Nadu State Transport Corporation,
Head Office,
Kumbakonam, Thanjavur District.



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5.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Peravurani Branch,
Thanjavur District.

... 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 calculate and to disburse the retirement and other benefits till the date of retirement viz., 30.04.2018 to the petitioner by considering the petitioner's representation, dated 27.07.2022 and 26.04.2023 in the light of the settlement entered on 04.01.2018 under section 12(3) of the Industrial Dispute Act based on G.O.Ms.No.160 of Transport Department, dated 03.05.2018.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to calculate and to disburse the retirement and other benefits till the date of retirement viz., 30.04.2018 to the petitioner by considering the petitioner's representation, dated 27.07.2022 and 26.04.2023 in the light of the settlement entered on 04.01.2018 under section 12(3) of the Industrial Dispute Act based on G.O.Ms.No.160 of Transport Department, dated 03.05.2018.



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2. The petitioner was appointed as a Driver under the category of Srilankan repatriate in Chozhan Roadways Corporation, Kumbakonam by an order, dated 25.11.1985. After completion of one year of probation, he was regularized. During the year 2015, he met with Cardiac arrest and was seriously affected by CAD / DVD with branch vessel disease. He was admitted in 12.06.2015 at Meenakshi Hospital, Tanjore. After discharge, he was advised to avoid travelling and further advised for bed rest. The petitioner has sent representation to the respondents for alternative light duty and he has also approached the respondents in this regard. However, his request was not considered. Hence, having no other option, the petitioner requested the respondents for voluntary retirement. Considering the petitioner's request, he was allowed to retire on Voluntary Retirement Scheme with effect from 30.04.2018 by an order, dated 25.04.2018. But the retirement benefit is neither calculated nor informed to him and till date, he is not disbursed with his retirement benefits. The petitioner is entitled for the retirement benefit in terms of the concluded settlement entered between the respondent Corporation and the Trade Union on 04.01.2018 under Section 12(3) of the Industrial Dispute Act. Since the petitioner's continuous request for disbursement of retirement benefits is not considered, he made a representation on 27.07.2018 to the 1st



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respondent and the same is also not considered. Hence, the petitioner has filed a writ petition in W.P(MD)No.10746 of 2019 and this Court was pleased to dispose off the same on 29.04.2019 directing the respondents to settle the retirement and other benefits. However, the respondents did not obey the order of this Court and have not settled the entire benefits to him. Hence, the petitioner made a representation on 27.07.2022 to disburse the retirement and other benefits in the light of the settlement entered on 04.01.2018 under Section 12(3) of Industrial Dispute Act and the same was also not considered. Hence, on 26.04.2023, a reminder was also sent. Since the same was not considered, this writ petition came to be filed.

3. 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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4. Without going into the merits of the case, this Court direct the respondents to consider the representation of the petitioner, dated 27.07.2022 and 26.04.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

21.03.2024

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

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To

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L.VICTORIA GOWRI, J.

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