



W.P.(MD)No.8873 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8873 of 2024

K.Boologapandi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Central Office,
K.T.C.Nagar,
Tirunelveli – 11.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Division, Tirunelveli,
Vannarapettai,
Tirunelveli – 3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to relieve the petitioner under Voluntary Retirement Scheme and settle the petitioners retiral benefits to the petitioner within the time limit that may be fixed by this Court and consider the petitioner's Voluntary Retirement Scheme application dated 14.12.2023.



W.P.(MD)No.8873 of 2024

For Petitioner : Mr.K.Guhan

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. This Writ Petition has been filed seeking direction against the respondents to relieve the petitioner under Voluntary Retirement Scheme and to settle the retirement benefits to the petitioner. The Petitioner also submitted the Voluntary Retirement Scheme application on 14.12.2023. Since the said application was not considered, the present writ petition has been 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 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 dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance



W.P.(MD)No.8873 of 2024

of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's application dated 14.12.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.8873 of 2024

To:

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W.P.(MD)No.8873 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD)No.8873 of 2024

08.04.2024