



W.P.(MD)No.9831 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9831 of 2024 &
W.M.P.(MD)No.8927 of 2024

Aludhanoor

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and pay monthly pension, gratuity, provident fund, social security scheme amount, refund of the petitioner's contribution made to



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medical, engineering, polytechnic colleges and Institute of Road Transport and all other terminal benefits payable to the petitioner together with interest at the rate of 6% per annum payable from 19.06.2002 till the date of disbursement of the above terminal benefits.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Ramiah,
Standing Counsel
for R1 and R2

Mr.S.C.Herold Singh for R3

ORDER

Heard Mr.A.Rahul, learned counsel for the petitioner, Mr.K.Ramiah, learned Standing Counsel for the respondents 1 to 2 and Mr.S.C.Herold Singh, learned Counsel for the third respondent.

2. The petitioner was appointed as a Driver in the first respondent Corporation with effect from 30.03.1982 and retired through voluntary retirement scheme on 19.06.2002. However, he was not paid with monthly pension till date. He has made several representations to the respondents on 25.04.2023, 13.09.2023 and 30.12.202 through



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registered post. So far, they were not considered. Hence, the writ petition.

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 them to consider the same on their 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 would amount to dereliction of duty. The failure on the part of the Statutory Authority had prompted the petitioner to file this petition seeking relief through issuance 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 a 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 respondents to consider the petitioner's representation dated 30.12.2023 on their own merits and pass appropriate orders in



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accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on their own merits.

5. With the above direction, the Writ Petition stands **disposed of**. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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