



W.P.(MD)No.9936 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9936 of 2024

Wilfred Thinagar

.. Petitioner

Vs.

The Management,
The Tamil Nadu State Transport
Corporation, Kumbakonam, Unit II,
Peria Milaguparai,
Tiruchirapalli-1.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent management to pay the petitioner's monthly pension amount and his retiral benefits which works out to Rs.49,00,640/- with interest as may be directed by this Court from the date of order of the learned Labour Court in C.P.No.18/2024, Tiruchirapalli, namely, 09.01.2024 till date of payment.



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For Petitioner : Mr.S.K.Mani

For Respondent : Mr.K.Ramaiah
Standing Counsel

ORDER

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

2. Heard Mr.S.K.Mani, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondent.

3. The petitioner was working as a Senior Assistant in Jeyankondam Branch of the respondent Transport Corporation. Due to the unauthorised absence of the petitioner from 19.12.2001 to 19.01.2002, a charge memo was issued on 17.01.2002. Thereafter, on 01.06.2002 show cause notice was issued to the petitioner. Since the respondent was not satisfied with the explanation given by the petitioner, the petitioner was dismissed from service by order dated 06.01.2003



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against which he filed I.D.No.142 of 2006 before the Labour Court, Tiruchirappalli. But before conclusion of the adjudication in the above ID, the petitioner had retired from service in the month of March, 2013. Hence, the Labour Court allowed the said ID and directed the respondent to reinstate the petitioner and also to settle the terminal benefits as if the petitioner worked for the respondent during the period of dismissal from service till retirement, however, he was denied the back wages. The respondent challenged the order of the Labour Court in WP(MD)No.13889 of 2015. The said writ petition was dismissed on 27.01.2021 confirming the order of the Labour Court. Thereafter the respondent filed SLP.(Civil) Diary No. 24796/2022 and the same was also dismissed on 23.09.2022. Thereafter, the petitioner was not granted the benefits. Hence, he filed Computation Petition No.18 of 2014 before the Labour Court, Tiruchirappalli. The Labour Court has passed an order dated 09.01.2024 and directed the respondent Corporation to fix the pension for the petitioner and to pay all the terminal benefits. Since the said order was not complied with, the petitioner herein had given a



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representation to the respondent on 19.02.2024 seeking to fix the pension and to grant the petitioner's terminal benefits including Provident Fund, Gratuity and Terminal Leave Salary as per the order of the Labour Court, Tiruchirappalli, from the date of appointment into service ie., 11.04.1985 to the date of retirement 31.03.2013 for a sum of Rs.49,00,640/- with interest at the rate of 6% per annum. Since the said representation was not considered, the present writ petition has been filed.

4. 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 of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court



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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.

5. In the light of the above observations, the Writ Petition stands **allowed** with a direction to the respondent to consider the petitioner's representation dated 19.02.2024 on its own merits and pass appropriate orders in accordance with law, within a period of six(6) weeks from the date of receipt of a copy of this order. No costs.

23.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
PJJ

To
The Management,
The Tamil Nadu State Transport
Corporation, Kumbakonam, Unit II,
Peria Milaguparai,
Tiruchirapalli-1.



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R.N.MANJULA, J.

PJL

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