



WP(MD) No.15802 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15802 of 2024

R.Gopalakrishnan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road, Madurai.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to refund a sum of Rs.2,06,271/- deducted from the petitioner's monthly pension towards commutation from 31.05.2022 to 27.06.2023 along with appropriate interest, by considering the petitioner's representation dated 06.10.2023.

For Petitioner	: Mr.P.Vijaynivas
For R1	: Mr.s.Raja Standing Counsel
For R2	: Mr.S.C.Herold Singh Standing Counsel



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ORDER

The petitioner, who was retired from service on 30.04.2022, has filed this writ petition seeking a Writ of Mandamus, directing the respondents to refund a sum of Rs.2,06,271/- deducted from the petitioner's monthly pension towards commutation from 31.05.2022 to 27.06.2023 along with appropriate interest, by considering the petitioner's representation dated 06.10.2023.

2. Heard Mr.P.Vijayanivas, learned counsel for the petitioner, Mr.S.Raja, learned Standing Counsel for the first respondent and Mr.S.C.Herold Singh, learned Standing Counsel for the second respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the respondent Corporation had deducted commutation contribution amount from the petitioner's pension from 31.05.2022 to 27.06.2023, however, the same was not refunded to him. In this regard, the petitioner has



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made a representation dated 06.10.2023 seeking to refund a sum of

Rs.2,06,271/- with 6% interest. But the same was not considered so far.

5. The learned Standing Counsel for the first respondent submitted that at the time of retirement, the petitioner was not paid with Commutation. However, at a later point of time, the same was paid to the petitioner and as on date, there is no due to be paid to the petitioner.

6. It is needless to point out that whenever a representation of this nature is made to a Government 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. 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 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.



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7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's appeal dated 06.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 its own merits.

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

15.07.2024

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

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road, Madurai.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
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R.N.MANJULA, J.

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