



WP(MD). No.16326 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.16326 of 2024

M.Johnson

... Petitioner

Vs

1. The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagarcoil Region,
Kanniyakumari District..

2. The Administrator,
The Tamilnadu State Transport 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 this Court to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 30.04.2020 till the date of realization of amount as per the settlement dated 24.08.2022 under section 12(3) of ID Act 1947 w.e.f. 01.09.2019, payable to him with 18 percent rate of interest within the time that may



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be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.K.Ramaiah for R1
Mr.S.C.Herold Singh for R2

ORDER

The writ petition has been filed for a mandamus to direct the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 30.04.2020 till the date of realization of amount as per the settlement dated 24.08.2022 under section 12(3) of ID Act 1947 w.e.f. 01.09.2019, payable to him with 18 percent rate of interest within the time that may be stipulated by this Court.

2. Heard the learned counsel for the petitioner and learned counsel for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner is a retired employee of the respondent corporation. Seeking settlement of the retirement benefits as per the



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12(3) settlement, the petitioner has sent representation to the respondents on 06.02.2024. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

5. 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. 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.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 06.02.2024 on its own merits and pass appropriate orders in accordance



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with law, after making due enquiry, 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 case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is **disposed of**. No costs.

22.07.2024

RR



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R.N.MANJULA,J

RR

**ORDER
IN
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Date : 22/07/2024