



W.P.(MD).No.10080 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.10080 of 2021

B.Ulaganathan

... Petitioner

Vs.

1.The General Manager,
The Tamil Nadu State Transport,
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul.

2.The Trustee,
Tamil Nadu State Transport
Corporation Pension Trust,
Bye-pass Road,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to pay him all the retirement benefits as well as 100% pension payable to him within a time frame stipulated by this Court.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The prayer of the writ petition is as follows:

To direct the 2nd respondent to pay all the retirement benefits as well as 100% pension payable to him within a time frame stipulated by this Court.

2. Heard, the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents. Perused the materials on record.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined the services of the 1st respondent corporation as Driver with effect from 03.06.1996. On attaining the age of superannuation, he was allowed to retire from service with effect from 31.03.2020 while he was serving as Special Grade Driver at Dindigul -I Branch. Despite the pendency of



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the Industrial Dispute in I.D.No.29 of 2019 before the learned Labour Court, Trichy, the petitioner has been allowed to retire from service, vide order, dated 30.10.2020, with effect from 31.03.2020. Thereafter, the petitioner succeeded in the said I.D.No.29 of 2019. However, the 1st respondent paid 75% pension alone due to the pendency of the said I.D.No.29 of 2019. Hence, the petitioner made a representation dated 14.10.2020 to the 2nd respondent requesting to pay 100% pension and all the retirement benefits payable to the petitioner. Since the same was considered, the present writ petition came to be 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



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5. Without going into the merits of this case, this Court hereby direct the 2nd respondent to consider the petitioner's representation dated 14.10.2020 and pass appropriate orders in accordance with law, within a period of four weeks (4) from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. There shall be no order as to costs.

05.06.2024

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

To

1. The General Manager,
The Tamil Nadu State Transport,
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul.

2. The Trustee,
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L.VICTORIA GOWRI, J.

Sml

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