



W.P.(MD)No.16960 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16960 of 2025

G.Bommiyammal

... Petitioner

-VS-

1.The Managing Director,
TNSTC (KUM), New Railway Feeder Road,
Kumbakonam.

2.The Administrator,
The Tamil Nadu State Transport Pension Trust,
Office of S.E.T.C., Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pay the monthly pension to the petitioner along with the arrears with effect from July 2022 along with interest at the rate of 9% per annum.

For Petitioner : Mr.K.S.Muthu

For R1 : Mr.K.Ramaiah
Standing Counsel

For R2 : Mr.S.C.Herold Singh
Standing Counsel



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ORDER

This writ petition has been filed seeking a direction to the first respondent to sanction and disburse the petitioner's monthly pension along with arrears with effect from July 2022, together with interest at the rate of 9% per annum for the delayed payment.

2. The petitioner is the wife of Late C.Govindan, who was employed as a 'Conductor' with the first respondent Transport Corporation. Her husband was dismissed from service on 07.12.2004 based on allegations of misappropriation of Rs.10/-. However, the approval petition filed by the respondent under Section 33(2)(b) of the Industrial Disputes Act, 1947, was rejected by the Joint Commissioner of Labour on 04.07.2011, holding the enquiry to be vitiated and biased. Consequently, her husband was deemed to have been in continuous service and was reinstated with back wages. The respondent corporation relieved her husband from service upon attaining the age of superannuation on 31.05.2018, as per proceedings dated 29.05.2018.



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3. Further, the respondent Corporation's appeal and subsequent Writ Appeal (W.A.(MD)No.200/2021) against the Labour Commissioner's order were dismissed by this Court on 24.02.2021, thereby confirming her husband's entitlement. The respondent corporation paid monthly pension to her husband until his demise on 27.07.2022. After his death, the petitioner submitted all necessary documents including the death certificate and legal heirship certificate. Despite submitting the same and repeated representations including one dated 24.12.2024 sent via registered post, the respondents have failed to sanction and disburse the family pension. The petitioner, a senior citizen, is facing severe financial hardship and is unable to meet her daily needs and medical expenses due to non-payment of family pension. Hence, the present Writ Petition.

4. Heard both sides.

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 him 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



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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 the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 24.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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