



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.12.2019**
CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

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W.P. (MD) No.5492 of 2018

- 1.A.Vasamuthu
- 2.K.Murugan
- 3.E.Meenakshi
- 4.V.Padma Jeyavathi
- 5.S.Neelaperumal
- 6.T.Kanahasabapathy
- 7.P.Ganesan
- 8.J.Jeyaseelan
- 9.P.Janarthanan
- 10.T.Cyril
- 11.S.Agasthiyalingam
- 12.P.Natarajan
- 13.A.Rajaratnam
- 14.A.Samuel
- 15.N.Sudalaiyandi
- 16.A.Thampiraj
- 17.V.Peter Alangaram
- 18.J.Wilson Samraj

... Petitioners

/vs./

- 1.State of Tamil Nadu,
Rep., by its Principal Secretary,
Transport Department,
Fort St.George,
Chennai 600 009.

- 2.Tamil Nadu State Transport Corporation Pension Trust,
rep., by its Administrator,
Thiruvalluavar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to revise the pension of the petitioners in accordance with the Clause 11(3) of the Settlement entered under Section 12(3) of Industrial Disputes Act dated 22.01.2011 with an increase at the rate of 9% from the year 2005 and increase at the rate of 12% from the year 2007 along with pay revision for the year 2010 and dearness allowance within the time period stipulated by this Court.



For Petitioners : Mr.T.Aswin Rajasimman
For Respondents : Mr.R.Sethuraman
Special Government Pleader (for R1)
Mr.A.Swaminathan (for R2)

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ORDER

This petition has been filed to direct the respondents to revise the pension of the petitioners in accordance with the Clause 11(3) of the Settlement entered under Section 12(3) of Industrial Disputes Act, dated 22.01.2011 with an increase at the rate of 9% from the year 2005 and increase at the rate of 12% from the year 2007 along with pay revision for the year 2010 and dearness allowance within the time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioners, learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

3. Though the petitioners have sought for aforesaid prayer, in my view, such a decision is to be taken by the first respondent and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

4. The petitioners would submit that they have already made representation on 06.02.2018 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

5. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

6. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representation, dated 06.02.2018, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representation and it is for the first respondent to consider it in accordance with law.



7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

Rmk

To:

The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St.George,
Chennai 600 009.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-105229[F] dated
16/12/2019)

Order made in
W.P. (MD) No.5492 of 2018
Dated:12.12.2019

MK (03.01.2020) 3P 3C