



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.26114 of 2019

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1.A.Srinivasan
2.D.Radhakrishnan
3.R.Rengaraju ... Petitioners

/vs./

1.The Government of Tamil Nadu,
rep., by its Secretary to Government
Transport Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

4.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002. ... 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 pay for the period from 01.09.2016 till the date of retirement of the petitioners based on the terms of settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the difference amount in the salary for the period from 01.09.2016 till the date of retirement of the petitioners and to pay difference in the retirement benefits including monthly pension, wage arrears,



gratuity, leave salary, commuted value of pension, dearness allowance and all other attendant benefits payable to the petitioners together with 18% interest per annum based on the said settlement.

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For Petitioners : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.D.Sivaraman
Standing counsel (for R1 to R3)
Mr.A.Swaminathan
Standing Counsel (for R4)

ORDER

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

2. Though the petitioners have sought for issuance of writ of mandamus to direct the respondents to revise the pay for the period from 01.09.2016 till the date of retirement of the petitioners based on the terms of settlement dated 04.01.2018 entered under Section 12 (3) of Industrial Disputes Act, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made representation on 13.11.2019 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.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. 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.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation, dated 13.11.2019 in the light of 12(3) of Industrial Dispute Act, 1947, 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 respondents to consider it in



accordance with law.

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

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

TO

- 1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam, Thanjavur District.
- 3.The General Manager,
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- 4.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate, SR No.104106

+1cc to Mr.D.Sivaraman, Advocate, SR No.104059

Order made in
W.P.(MD) No.26114 of 2019

KK/SAR/02.01.2020/3P-7C/