



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2019

CORAM:

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

W.P. (MD) No.26261 of 2019

P.Muthu

... Petitioner

/vs./

- 1.The Management of Tamil Nadu,
State Transport Corporation,
(Kumbakonam) Limited,
rep., by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukkottai Region, Pudukkottai.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar 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 petitioner's pay with effect from 01.09.2013 in terms of settlement entered under Section 12(3) of the I.D. Act dated 13.04.2015 and to pay the petitioner's arrears of salary from 01.09.2013 to 31.01.2015 and difference in retirement benefits including difference in gratuity, difference in pension and difference in earned leave salary payable from 01.02.2015 together with interest at the rate of 18% per annum within the time stipulated by this Court.

For Petitioner	: Mr.A.Rahul
For R-1 & R-2	: Mr.D.Sivaraman
	Standing Counsel (for R1 & R2)
	Mr.A.Swaminathan
	Standing Counsel (for R3)

ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to revise the petitioner's pay
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with effect from 01.09.2013 in terms of settlement entered under Section 12(3) of the I.D. Act dated 13.04.2015, 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.

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3. The petitioner would submit that he has already made representation on 15.10.2019 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 third respondent herein to consider the petitioner's representation, dated 15.10.2019 in the light of 12(3) of the Industrial Dispute Act and pass appropriate orders within a period of eight (8) 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 petitioner in his representation and it is for the third respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

rmk

+1 CC to Mr.A.RAHUL, Advocate (SR-104368[F] dated 11/12/2019)
+1 CC to Mr.D.SIVARAMAN, Advocate (SR-104459[F] dated 11/12/2019)
+1 CC to Mr.A.SWAMINATHAN, Advocate (SR-104524[F] dated 11/12/2019)

Order made in
W.P.(MD) No.26261 of 2019
11.12.2019

VB(06.01.2020) 2P 4C

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