



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26184 of 2019

A.Kannadasan

... Petitioner

vs.

1. The Principal Secretary to Government,
Transport (E) Department,
Fort St.George,
Chennai 600 009

2. The Management of
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

3. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Trichy Region, Trichy.

4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2016 to till 31.05.2017 based on the terms of wage revision settlement dated 04.01.2018 entered under Section 12(3) of the I.D.Act, 1947 and further directing the respondents to pay the petitioner's difference amount in retirement benefits including gratuity, terminal leave salary and monthly pension with dearness allowance and revised dearness allowance as payable to serving employees of transport corporations from the date of his retirement with interest at the rate of 18% per annum.

For Petitioner	:	Mr.A.Rahul
For R-1	:	Mr.M.Karuppasamy, Government Advocate
For RR 2 & 3	:	Mr.D.Sivaraman, Standing Counsel
For R-4	:	Mr.A.Swaminathan

**O R D E R**

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

2. The limited prayer sought for the petitioner is for a direction to the respondents to revise the petitioner's pay for the period from 01.09.2016 to till 31.05.2017 based on the terms of wage revision settlement dated 04.01.2018 entered under Section 12(3) of the I.D.Act, 1947 and further direct the respondents to pay the petitioner's difference amount in retirement benefits including gratuity, terminal leave salary and monthly pension with dearness allowance and revised dearness allowance as payable to serving employees of transport corporations from the date of his retirement with interest at the rate of 18% per annum.

3. 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 merit 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.

4. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 04.01.2018 on its own merits and pass appropriate orders within a period of six (06) 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (writs)

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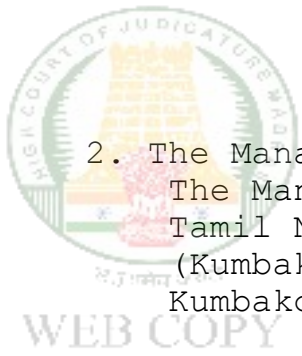
/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Transport (E) Department,
Fort St.George,
Chennai 600 009

<https://hcservices.ecourts.gov.in/hcservices/>



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The Management of
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+1 CC to Mr.A.RAHUL, Advocate (SR-104296[F] dated 10/12/2019)
+1 CC to Mr.D.SIVARAMAN, Advocate (SR-104261[F] dated 10/12/2019)
+1 CC to SPL.GP (SR-104551[F] dated 11/12/2019)

Order made in
W.P. (MD) No.26184 of 2019
10.12.2019

VB(20.01.2020) 3P 8C