



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD)No.1026 of 2020

S.Manoharan

... Petitioner

/vs./

- 1.The Management of
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep by its General Manager,
Dindigul.
- 2.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revise the scale of pay of the petitioner w.e.f.01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.2016 to 31.01.2017 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such refixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from February, 2017 and commuted value of pension, based on such refixed scale of pay payable for the period from February, 2017 and also balance of commuted value of pension, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

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 first respondent to revise the scale of pay of the petitioner w.e.f.01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.2016 to 31.01.2017 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such refixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from February, 2017 and commuted value of pension, based on such refixed scale of pay payable for the period



from February, 2017 and also balance of commuted value of pension, together with 18% interest per annum, 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 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.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 15.10.2019, in terms of settlement under Section 12(3) of the Industrial Dispute Act, on its own merits 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CP

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-2367[F]

Order made in

W.P. (MD) No.1026 of 2020

SMA/06/02/2020/2P/2C