



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2020**

CORAM:

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

W.P.(MD) No.219 of 2020

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S.Elangovan

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMBU) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001,
Thanjavur District.

2.The Financial Advisor,
Tamil Nadu State Transport Corporation (KMBU) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001,
Thanjavur District.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, 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 pension benefits and other revised terminal benefits like Gratuity arrears, Leave Salary arrears and pension arrears etc., in the new scale of pay on the base of 7th pay commission with interest at the rate of 6% per annum payable from the date of retirement (30.11.2017) of the petitioner till the date of payment of the said monetary benefits to the petitioner within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.K.Thirugnanasambandan

For R-1 & R-2 : Mr.D.Sivaraman
Standing Counsel

For R-3 : Mr.A.Swaminathan
Standing Counsel

ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to revise the pension benefits and other revised terminal benefits like Gratuity arrears, Leave Salary arrears and pension arrears etc., in the new scale of pay on the basis of 7th pay commission with interest at the rate of 6% per annum payable from the date of retirement (30.11.2017) of the petitioner till the date of payment of the said monetary benefits to the petitioner, 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 petitioner would submit that he has already made representation on 22.11.2019 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 first respondent herein to consider the petitioner's representation, dated 22.11.2019, 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.

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

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

cp



+1 CC to M/s.D.SIVARAMAN, Advocate (SR-532[F] dated 07/01/2020)

+1 CC to M/s.K.GOKUL, Advocate (SR-909[F] dated 08/01/2020)

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Order made in
W.P.(MD) No.219 of 2020
07.01.2020

JMN(23.01.2020) 3P : 3C