



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.893 of 2020

S. Pandiammal

...Petitioner

Vs

1. The Managing Director

Tamil Nadu State Transport Corporation (KMBU) Ltd
27, New Railway Station Road
Kumbakonam - 612 001

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, directing the respondents to revise pension benefits and other 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 28.02.2017 of the petitioner to till the date of payment of the said monetary benefits to the petitioner's representation dated 16.12.2019, within the time limit stipulated by this Court.

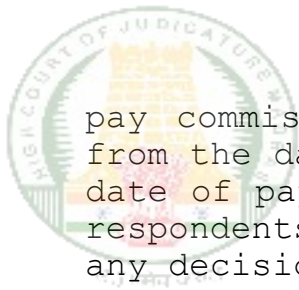
For Petitioner : Mr.K.Thirugnanasambandan

For Respondents : For R1 & R2 - Mr.P.Balasubramanian
Standing Counsel
For R3 - Mr.A.Swaminathan
Standing Counsel

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. Though the petitioner has sought for issuance of Writ of Mandamus to the respondents to revise pension benefits and other terminal benefits as per 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 28.02.2017 of the petitioner to till the date of payment, 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 16.12.2019 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 petitioner's representation, dated 16.12.2019, on its own merits and pass appropriate orders within a period of twelve (12) 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.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

To

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27, New Railway Station Road
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+1 CC to M/s.K.GOKUL, Advocate (SR-2422[F] dated 22/01/2020)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-2006[F] dated 20/01/2020)

W.P. (MD) No.893 of 2020
20.01.2020

KK/SAR/07.02.2020/3P-6C/