



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.892 of 2020

K.Govindarajan

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
Tamil Nadu State Transport Employee's Pension Fund Trust
Thiruvalluvar Illam
No.2, Pallavan Salai
Chennai -2.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revised 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 (31.01.2018) of the petitioner to till the date of payment of the said monetary benefits to the petitioner's representation dated 22.11.2019, within a stipulated time, fixed by this Court.

For Petitioner : Mr.K.Thirugnanasambandan

For Respondents 1 & 2 : 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 settle the revised 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 his retirement, 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 third respondent herein to consider the petitioner's representation, dated 22.11.2019, 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 her 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 (CS-I)

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Sub Assistant Registrar(CS)

vrn

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



+1 CC to M/s.K.GOKUL, Advocate (SR-2421[F] dated 22/01/2020)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-2005[F] dated 20/01/2020)

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