



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2564 of 2020

M.Rajaraman

... Petitioner

/Vs./

1. The Principal Secretary to Government,
Transport (E) Department,
Fort St.George, Chennai 9.
2. The Management of
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
rep., by its Managing Director,
Villuppuram.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Cuddalore Region, Cuddalore.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
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 revise the petitioner's scale of pay in the post of Checking Inspector with effect from 01.09.2016 as per the settlement under Section 12(3) of the ID Act dated 04.01.2018 and consequently direct the respondents to pay the petitioner's difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary payable to him based on 13th wage settlement dated 14.01.2018 together with interest at 18% per annum payable from the date of his retirement till the date on which the above monetary benefits are settled to the petitioner.

For Petitioner	: Mr.A.Rahul
For Respondents	: Mr.M.Jeyakumar
	Additional Government Pleader (for R1)
	Mr.J.Senthil Kumaraiah
	Standing Counsel (for R2 to R4)



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 respondents to revise the petitioner's scale of pay in the post of Checking Inspector with effect from 01.09.2016 as per the settlement under Section 12(3) of the ID Act, dated 04.01.2018 and consequently, direct the respondents to pay the petitioner's difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary payable to him based on 13th wage settlement dated 14.01.2018 together with interest at 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to him, in my view, such a decision is to be taken by the second and fourth 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 14.12.2019 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 second and fourth respondents herein to consider the petitioner's representation, dated 14.12.2019 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 second and fourth 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-III)

/True Copy/



To:

1. The Principal Secretary to Government,
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Fort St.George, Chennai 9.
2. The Management of
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
rep., by its Managing Director,
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3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

+1 CC to M/s.A.RAHUL, Advocate (SR-5535[F] dated 11/02/2020)
+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-5963[F] dated
12/02/2020)

RMK

TE : 18/02/2020 : 3P/6C

Order made in
W.P. (MD) No.2564 of 2020
10.02.2020