



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.02.2020**

CORAM:

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

W.P.(MD) No.2674 of 2020

M.Ilango

... Petitioner

/vs./

1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi.

2.The Administrator,
Tamil Nadu State Transport Employees' 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 respondents to re-fix/revise the scale of pay of the petitioner payable in the post of Superintendant based on the G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 w.e.f 01.01.2016 and the G.O.(Ms) No.134 Transport (D) Department dated 09.04.2018 and also to revise his terminal and pension benefits, based on such revised monthly wages payable to him for the month of March, 2016 and consequently to pay him balance of gratuity, leave salary, pension with arrears from April, 2016 and commuted value of pension together with 18% interest p.a within a time frame as may be fixed by this Court.

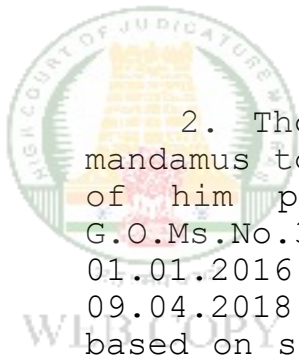
For Petitioner : Mr.S.Arunachalam

For R-1 : Mr.P.Balasubramanian
Standing Counsel.

For R-2 : 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.



2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to re-fix/revise the scale of pay of him payable in the post of Superintendant based on the G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 w.e.f 01.01.2016 and the G.O.(Ms) No.134 Transport (D) Department dated 09.04.2018 and also to revise his terminal and pension benefits, based on such revised monthly wages payable to him for the month of March, 2016 and consequently to pay him balance of gratuity, leave salary, pension with arrears from April, 2016 and commuted value of pension together with 18% interest p.a, in my view, such a decision is to be taken by the respondent 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 19.12.2019 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 respondent 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 19.12.2019, in the light of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 w.e.f 01.01.2016 and the G.O.(Ms) No.134, Transport (D) Department, dated 09.04.2018, 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 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 //

/ /2020

Sub Assistant Registrar(CS)



To

1.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-5851[F]

Order made in
W.P.(MD)No.2674 of 2020

cp

SDS (05.03.2020) 3P-4C