



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.2588 of 2020

WEB COPY

M.Krishnan

... Petitioner

/vs./

1.The Management of
Tamil Nadu 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, to direct the respondents to re-fix/revise the scale of pay of the petitioner payable in the post of Senior Superintendant based on the G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 w.e.f 01.01.2016 and 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 April 2017 and consequently to pay him balance of gratuity, leave salary, pension with arrears from May, 2017 and commuted value of pension, together with 18% pa., within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.P.Balasubramanian
Standing Counsel (for R1)
Mr.A.Swaminathan
Standing Counsel (for R2)

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 the respondents to re-fix/revise his scale of pay and other consequential benefits, 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 15.10.2019 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 15.10.2019, on its own merits and pass appropriate orders within a period of six (6) 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 II)

/True copy/

/02/2020
Sub Assistant Registrar

rmk

TO

1. The Management of
Tamil Nadu 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.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-5660[F] dated
11/02/2020)

W.P. (MD) No.2588 of 2020

Dated:
11.02.2020

KK/SAR/20.02.2020/2P-4C

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