



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

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

W.P. (MD) No.2773 of 2020

WEB COPY

S.Shanmugasundaram

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Kumbakonam, Tanjore District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Karaikudi Region,
Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay difference in salary with implement from 01.10.2017 and to pay the difference in gratuity, difference in earned leave salary, difference in commutation and difference in pension with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7th pay commission recommendations for revision of pay as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018 within the time frame that may be stipulated by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For Respondents : Mr.P.Balasubramanian
Standing Counsel (for R1 & R2)
Mr.A.Swaminathan
Standing Counsel (for R3)

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 pay of the petitioner with effect from 01.01.2016 notionally and to pay difference in salary with implement from 01.10.2017 and to pay the



difference in gratuity, difference in earned leave salary, difference in commutation and difference in pension with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7th pay commission recommendations for revision of pay as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018, 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 28.01.2020 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 28.01.2020 in the light of 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

/True copy/

/02/2020
Sub Assistant Registrar

rmk

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Kumbakonam, Tanjore District.



2.The General Manager,
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Kumbakonam Limited,
Karaikudi Region,
Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Chennai.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-5855[F] dated
12/02/2020)

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-6198[F] dated
13/02/2020)

W.P. (MD) No. 2773 of 2020
12.02.2020

RMK

KK/SAR/24.02.2020/3P-6C