



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

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

W.P.(MD) No.3216 of 2020

V.K.Karuppiah

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The Administrator,
Tamil Nadu State Transport Corporation Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Annasalai, 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 promote the petitioner as Special Grade Conductor (taken account into service period of 35 years, i.e., date of joining 03.05.1980) on the basis of the 12(3) settlement and to pay the revised pension with arrears, revised dearness allowance, variation amount in provident fund and gratuity amount and other consequential benefits from 31.07.2014 and subsequently to pay the revised back wages from 26.10.2012 to 31.07.2014 along with 18% interest on the basis of the petitioner's representation dated 07.01.2020.

For Petitioner	: Mr.A.Mu.Sharavanan
For Respondents	: Mr.J.Senthilkumaraiah
	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 promote the petitioner as Special Grade Conductor (taken account into service period of 35 years, i.e., date of joining 03.05.1980) on the basis of the 12(3) settlement and to pay the revised pension with arrears, revised dearness allowance, variation amount in provident fund and gratuity amount and other consequential benefits from 31.07.2014 and



subsequently to pay the revised back wages from 26.10.2012 to 31.07.2014 along with 18% interest, 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.

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3. The petitioner would submit that he has already made representation on 07.01.2020 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 07.01.2020, 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)

rmk

To:

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road, Madurai.



2.The Administrator,
Tamil Nadu State Transport Corporation Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Annasalai, Chennai-2.

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+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate (SR-7080[F] dated
19/02/2020)

+1 CC to Mr.A.MU.SARAVANAN, Advocate (SR-6976[F] dated 19/02/2020)

Order made in
W.P.(MD) No.3216 of 2020
18.02.2020

VB(02.03.2020) 3P 5C