



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.3756 of 2020

WEB COPY

R.Dharmaraj

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam 612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai -02.

... Respondents

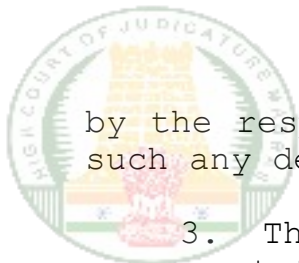
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the settlement under Section 12 (3) of the Industrial Dispute Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix the petitioner's retirement benefits and to disburse difference amounts in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 till the date of actual payment to be made by respondents within the stipulated time to be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas
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 direct the respondents to revise the petitioner's pay as per the settlement under Section 12(3) of the Industrial Dispute Act dated 04.01.2018 with retrospective effect from 01.09.2016 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 05.12.2019 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 respondents herein to consider the petitioner's representation, dated 05.12.2019 based on the settlement under Section 12(3) of the Industrial Dispute Act dated 04.01.2018, 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, if not already considered. 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 (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam 612 001.



2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai -02.

WEB COPY

+1 CC to Mr.SP.VIJAYNIVAS, Advocate (SR-8063[F] dated 25/02/2020)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-8267[F] dated
25/02/2020)

Order made in
W.P. (MD) No.3756 of 2020
25.02.2020

VB(09.03.2020) 3P 5C