



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5730 of 2020

V.Balakrishnan

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
rep. by its General Manager,
Dindigul.

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 first respondent to revise the scale of pay of the petitioner w.e.f. 01.09.2016, based on the new wage settlement dated 04.01.2018 and consequently to pay him difference / arrears of wages for the period from 01.09.2016 to 30.04.2017 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such refixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and to further direct the respondents to revise his pension with effect from May, 2017 and pension commutation based on such refixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from May, 2017 and Pension Commutation, together with 18% interest per annum within a time frame.

For petitioner : Mr.S.Arunachalam

For 1st respondent : Mr.J.Senthil Kumaraiah

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The learned counsel for the petitioner submitted that the petitioner who was working as Selection Grade Checking Inspector, has retired from service on attaining the age of superannuation on 30.04.2017. As per 12(3) settlement dated 04.01.2018, the scale of pay of the petitioner is required to be refixed w.e.f. 01.09.2016 and consequently, the first respondent is bound to refix the scale of pay of the petitioner and pension, and to pay arrears of salary, terminal benefits and pension with interest. Though the petitioner has sent a representation to the respondents on 15.10.2019 in this regard, till date it has not been considered by the respondents. Hence, he has come up with this writ petition for the aforesaid prayer.

3. The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger prayer, it is suffice, if a direction is given to the first respondent to consider the representation of the petitioner dated 15.10.2019.

4. The learned counsel for the first respondent submitted that the representation of the petitioner would be considered by the first respondent as early as possible.

5. In view of the limited relief sought for by the petitioner, this Court is of the view that notice need not be sent to the 2nd respondent.

6. Whenever a representation is made to a statutory authority to redress the claim of the employee, it 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 a stipulated time.

7. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 15.10.2019, in the light of 12(3) settlement dated 04.01.2018 and pass appropriate order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 15.10.2019, along with a copy of this order to the first respondent for early consideration of the matter.



8. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

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+1 CC to M/s. J. SENTHIL KUMARIAH, Advocate (SR-12617[F] dated
20/03/2020)

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KB(23/03/2020) 3P 4C