



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

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

W.P. (MD)No.233 of 2019

S.Murugaiyan

... Petitioner

/vs./

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2. ... Respondents

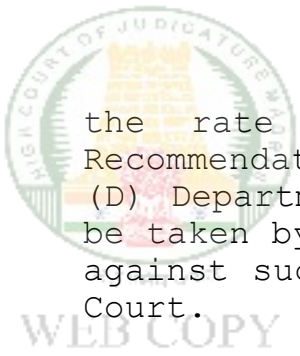
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay the difference in salary with effect from 01.10.2017 to 31.03.2017 and to pay the 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.A.Rahul
For R-1 & R-2	: Mr.D.Sivaraman
For R-3	: Mr.A.Swaminathan

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 revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay the difference in salary with effect from 01.10.2017 to 31.03.2017 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 15.11.2018 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 15.11.2018, as per 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Managing Director,

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.

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



2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

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

+1 CC to Mr.A.RAHUL, Advocate (SR-5990[F] dated 12/02/2020)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-6171[F] dated 13/02/2020)

Order made in
W.P.(MD)No.233 of 2019
12.02.2020

VB(26.02.2020) 3P 6C