



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2020**

CORAM:

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

W.P. (MD) No.6506 of 2019

WEB COPY

1.P.Natarajan
Staff No.6302 CR/9283

2.S.Palaniyandi
Staff No.6576 CR/9327

.. Petitioners

Vs.

1. The Government of Tamil Nadu,
represented by
The Principal Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
No.27, Railway Station Road,
Kumbakonam,
Thanjavur District.

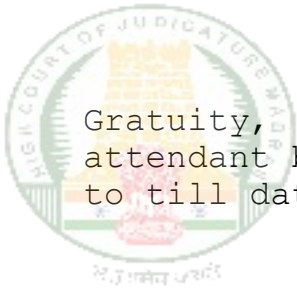
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichy.

4.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to grant the petitioners 4th and 5th review benefits and revise their pay in the post of Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) Settlement dated 22.01.2011 and further directing the respondents to pay them difference amount in their salary from 01.09.2010 to till the date of retirement of the petitioners and to pay difference in their retirement benefits including difference in monthly Pension,

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



Gratuity, Leave Salary, Commuted Value of Pension and all other attendant benefits payable to them from the date of their retirement to till date together with interest at the rate of 18% per annum.

For Petitioners : Mr.N.Sudhagar Nagaraj
For Respondent No.1 : Mr.M.Jeyakumar
Additional Government Pleader
For Respondent Nos.2 &3: Mr.P.Balasubramanian
Standing Counsel
For Respondent No.4 : Mr. A.Swaminathan
Standing Counsel

ORDER

Though the petitioners have sought for issuance of writ of mandamus to direct the respondents to grant the petitioners 4th and 5th review benefits and revise their pay in the post of Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) Settlement dated 22.01.2011 and further directing the respondents to pay them difference amount in their salary from 01.09.2010 to till the date of retirement of the petitioners and to pay difference in their retirement benefits including difference in monthly Pension, Gratuity, Leave Salary, Commuted Value of Pension and all other attendant benefits payable to them from the date of their retirement to till date together with interest at the rate of 18% per annum, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

2. The petitioners would submit that they have already made representation on 21.12.2018 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.

3. 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.

4. In view of the above observations, there shall be a direction to the respondents 3 and 4 to consider the petitioners' representation, dated 21.12.2018, in the light of the G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015, on its own merits and



pass appropriate orders within a period of twelve (12) 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 3 and 4 to consider it in accordance with law.

WEB COPY

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

- 1.The Principal Secretary to Government,
The Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
No.27, Railway Station Road, Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai, Trichy.
- 4.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-8987[F] dated 27/02/2020)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-9195[F] dated 28/02/2020)

+1 CC to M/s.SPL.GP (SR-9602[F] dated 02/03/2020)

W.P. (MD) No.6506 of 2019
27.02.2020