



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.27347 of 2019

P.Vetrivel

... Petitioner

/vs./

- 1.State of Tamilnadu,
represented by its Secretary to Government
Transport Department and Chairman of
Board of Director of State Transport undertaking,
Fort St.George,Chennai 600 009.
- 2.Tamilnadu State Transport Corporation(Tirunelveli) Ltd.,
represented by its Managing Director,
Vannarapettai,Tirunelveli 627 003.
- 3.The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli 627 003.
- 4.The Administrator,
The Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur 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, directing the respondents to implement the G.O.(Ms).No.146 Transport (C) Department dated 30-11-2015, in so far as the petitioner's concerned by re-designating him as Selection Grade Superintendent with effect from 01-01-2008, so as to enable him to receive the time scale of pay of Rs.7500-250-12500 as per Vth Pay Commission recommendations and to get the revised Scale of pay (as per 6th Pay Commission) of Rs.9300-34800+Grade Pay Rs.4900 with effect from 17-06-2009 and to revise his pension with effect from 01-04-2015 and to pay the revised pension with arrears and other attendant benefits with effect from 01-04-2015 together with suitable rate of interest to till the date of disbursement.

For Petitioner	: Mr.A.Rahul
For R1	: Mr.R.Sethuraman
	Special Government Pleader
For R2 & R3	: Mr.K.Sathiyasingh
For R4	: 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
<https://hcservices.ecourts.gov.in/hcservices/>



Mandamus to the respondents to implement the G.O.(Ms).No.146, Transport (C) Department, dated 30.11.2015, insofar as the petitioner's concerned by re-designating him as Selection Grade Superintendent with effect from 01.01.2008, so as to enable him to receive the time scale of pay of Rs.7,500-250-12,500/- as per Vth Pay Commission recommendations and to get the revised Scale of pay (as per 6th Pay Commission) of Rs.9,300-34,800+Grade Pay Rs.4,900/- with effect from 17.06.2009 and to revise his pension with effect from 01.04.2015 and to pay the revised pension with arrears and other attendant benefits with effect from 01.04.2015 together with suitable rate of interest to till the date of disbursement, 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 06.09.2019 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 fourth respondent herein to consider the petitioner's representation, dated 06.09.2019, in the light of G.O.(Ms).No.146, Transport (C) Department, dated 30.11.2015 and pass appropriate orders within a period of eight 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 fourth respondent to consider it in accordance with law.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:

The Secretary to Government
Transport Department and Chairman of
Board of Director of State Transport undertaking,
Fort St.George,
Chennai 600 009.

+1 CC to M/s.K.SATHIYASINGH, Advocate (SR-3586[F]
+1 CC to M/s.A.RAHUL, Advocate (SR-3819[F] dated 30/01/2020)
+1 CC to M/s.SPL.GP (SR-3992[F] dated 30/01/2020)

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SMA/11/02/2020/3P/5C