



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2020

CORAM:

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

W.P. (MD) No.27372 of 2019

S.Mohamed Khan

... Petitioner

/vs./

1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Rep by its General Manager,
Karaikudi.

2.The Administrator,
Tamil Nadu State Transport Employee's
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, directing 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 28.02.2017 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 and to pay him arrears of pension for the period from March, 2017 and also balance of commuted value of pension, together with 18% interest per annum, within a time frame as may be fixed by this Court.

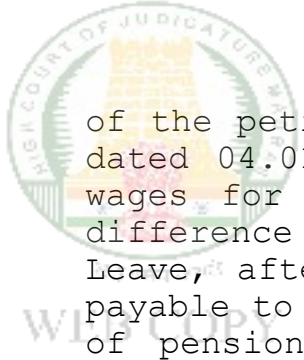
For Petitioner: Mr.S.Arunachalam
For R-1 : Mr.D.Sivaraman

For R-2 : 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 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 28.02.2017 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 and to pay him arrears of pension for the period from March, 2017 and also balance of commuted value of pension, together with 18% interest per annum, 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 05.09.2019 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 merit 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 05.09.2019, in terms of settlement under Section 12(3) of the I.D.Act, 1947, 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.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The General Manager,
The Management of Tamilnadu State
Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

2.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-36[F] dated 02/01/2020)

Order made in
W.P. (MD) No.27372 of 2019

CP
SDS (24.01.2020) 3P-4C