



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1280 of 2021

P.K.Selvaraj

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
No.27, New Railway Station Road,
Kumbakonam-612 001.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, 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 revised the pension benefits and other revised terminal benefits like Gratuity Arrears and Leave Salary Arrears, etc in the scale of pay on the base of 7th pay commission with interest as per Annum payable from the date of retirement (30.04.2017) of the petitioner to till the date of payment of the same monetary benefits to the petitioner within a stipulated time frame as fixed by this Court.

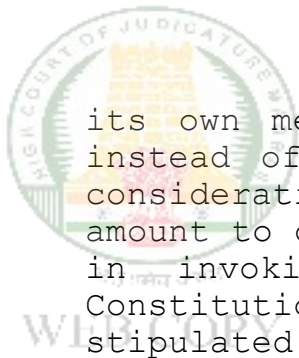
For Petitioner : Mr.K.Gokul

For R-1 and R-2 : Mr.P.Balasubramanian
Standing Counsel

O R D E R

Since the petitioner's request to the respondents to revise the pension benefits and other terminal benefits like Gratuity Arrears and Leave Salary Arrears, etc in the scale of pay on the basis of 7th pay commission with interest from the date of retirement (30.04.2017) to till the date of payment of the same monetary benefits to him was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 12.12.2020, which is still pending.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 12.12.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 12.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Managing Director,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-2557[F] dated 01/02/2021)

W.P. (MD) No.1280 of 2021

27.01.2021

(ES)

KV(11.02.2021) 2P 3C

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