



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2148 of 2021

K.Rajaram

...Petitioner

Vs.

- 1.The Managing Director,
Tamilnadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612001.
- 2.The Managing Director,
SETC (TN) Ltd.,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-2.
- 3.The Financial Adviser,
Tamilnadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612001.
- 4.The General Manager,
Tamilnadu State Transport Corpn., (KMB) Ltd.,
Karaikudi Region,
Mardhupathi Complex,
Managiri Post, Karaikudi,
Sivagangai District.
- 5.The Administrator,
TNSTC Employees Pensions Fund Trust,
SETC (TN) Ltd., No.2, 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 1 to 5 to implement the pay of the arrears and difference amount based on the revised the pay of scale and grade pay along with 2nd and 3rd Review benefits with effect from 01.09.2010 onwards to the retirement dated 30.09.2015 for the 10% in total of the Basic and Grade Pay together , in terms of pay revision in Clause Review Benefits as per the wage settlement dated 22.01.2011 and 13.04.2015 with retrospective from 01.09.2010 to 30.09.2015 and also the Weightage Increment for 10 years and 20 years in due time further consequently direct the respondents to disburse the difference amount of terminal benefits and with interest at the rate of 18% per



annum payable from the date of retirement to the disposal of the said amount within the stipulated time fixed by this Court.

For Petitioner : Mr.K.Gokul
For R-1, R-3 and R-4 : Mr.P.Balasubramanian
For R-2 : Mr.R.Rajamohan
Fro R-5 : Mr.A.Swaminathan

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to implement the pay of the arrears and difference amount based on the revised scale of pay and grade pay along with 2nd and 3rd Review benefits with effect from 01.09.2010 onwards to the retirement dated 30.09.2015 for 10% in total of the Basic and Grade Pay together, in terms of pay revision in Clause Review Benefits as per the wage settlement dated 22.01.2011 and 13.04.2015 with retrospective from 01.09.2010 to 30.09.2015 and also the Weightage Increment for 10 years and 20 years in due time and to disburse the difference amount of terminal benefits with interest were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.01.2021, which is still pending.

3. 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.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 03.01.2021, 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.



5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 03.01.2021, 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.

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

Sd/-

Assistant Registrar (CS-III)

// 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,
Tamilnadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612001.

+1 CC to Mr.R.RAJA MOHAN, Advocate (SR-3840[F] dated 08/02/2021)

+1 CC to Mr.K.GOKUL, Advocate (SR-4212[F] dated 10/02/2021)

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VB (22.02.2021) 3P 4C