



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2236 of 2021

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K.Narayanasamy

...Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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, directing the respondents to revise the pay for the period from 01.09.2016 to till the date of retirement of the petitioner based on the terms of settlement dated 04.01.2018 entered Under Section 12(3) of Industrial Disputes Act, 1947 and further directing the Respondents to pay the difference amount in the salary for the period from 01.09.2016 to till the date of retirement of the petitioner and to pay difference in the retirement benefits including Monthly Pension, Wages Arrears, Gratuity, Leave Salary, Commuted Value of Pension, Dearness Allowance and all other attendant benefits payable to the Petitioner together with 18% interest per annum based on the said settlement.



For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.S.Dayalan for R1
Government Advocate
Mr.P.Balasubramanian for R2 & R3
Standing Counsel
Mr.A.Swaminathan for R4
Standing Counsel

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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 respondents to revise the pay for the period from 01.09.2016 to till the date of retirement of the petitioner based on the terms of settlement dated 04.01.2018 entered Under Section 12(3) of Industrial Disputes Act, 1947 and further directing the Respondents to pay the difference amount in the salary for the period from 01.09.2016 to till the date of retirement of the petitioner and to pay difference in the retirement benefits including Monthly Pension Wages Arrears, Gratuity, Leave Salary, Commuted Value of Pension, Dearness Allowance and all other attendant benefits payable to the Petitioner together with 18% interest per annum based on the said settlement, 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 she has already made representation on 31.12.2020 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 31.12.2020, in terms of settlement under Section 12(3) of the Industrial Dispute Act, on its own



merits and pass appropriate orders within a period of six (6) 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.

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

Sd/-

Assistant Registrar(AD-I)

// 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

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

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-4145[F] dated
10/02/2021)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-4201[F] dated
10/02/2021)

W.P. (MD) No.2236 of 2021
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NA(CO)

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