



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5548 of 2021

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M.Thambidurai

...Petitioner

Vs.

- 1.The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to enhance the petitioner's grade pay drawn by him as on 01.09.2013 from Rs.2450/- to Rs.2800/- as per G.O(Ms) No.81 Transport (C1) Department, dated 16.09.2016 and accordingly recompute his last drawn pay and retirement benefits and to pay the monetary benefits from 16.09.2016 including the difference amounts in his retiral benefits together with interest at the rate of 18% per annum from the date of retirement to till the date of settlement within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

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

For R-3 : Mr.A.Swaminathan
Standing Counsel



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 enhance his grade pay drawn by him as on 01.09.2013 from Rs.2450/- to Rs.2800/- as per G.O(Ms) No.81 Transport (C1) Department, dated 16.09.2016 and accordingly recompute his last drawn pay and retirement benefits and to pay the monetary benefits from 16.09.2016 including the difference amounts in his retiral benefits was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.02.2021, 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 respondents herein to consider the petitioner's representation dated 03.02.2021, 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 respondents to consider the petitioner's representation dated 03.02.2021, 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.

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

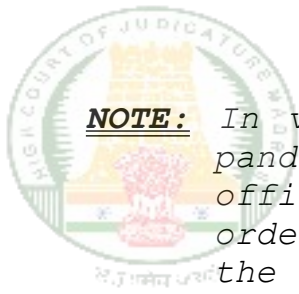
Sd/-

Assistant Registrar (crl side)

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/ /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.

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cp
To

- 1.The Managing Director,
The Management of Tamilnadu State
Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

+1 CC to M/s.A.RAHUL, Advocate (SR-11117[F] dated 15/03/2021)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-11332[F] dated 16/03/2021)

W.P. (MD) No.5548 of 2021

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GS (06.05.2021) 3P 6C