



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM

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

W.P.(MD)No.11183 of 2020

R.Subramanian

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Division, Bye-Pass Road,
Madurai-625 016.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to revise the petitioner's pay notionally with effect from 01.01.2016 and monetary effect from 01.10.2017 and also direct to pay the difference in terminal benefits such as unavailed leave salary and Commutation together with interest at the rate of 12 per annum, payable to him from 01.10.2017 to till the date of payment of the said monetary benefits, in terms of the 7th Pay Commission Recommendation for revision of pay as per G.O.(Ms).No.134, Transport (D) Department, dated 09.04.2018 and G.O.Ms.No.142, dated 26.08.2019, within the time frame that may be stipulated by this Court.

For Petitioner

:Mr. A.Rahul

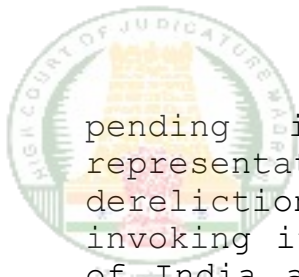
For Respondents

:Mr.J.Senthil Kumariah

ORDER

Since the petitioner's request to the respondents to revise his pay notionally with effect from 01.01.2016 and monetary effect from 01.10.2017 and also to pay the difference in terminal benefits payable to him from 01.10.2017 to till the date of payment of the said monetary benefits, in terms of the 7th Pay Commission Recommendation for revision of pay as per G.O.(Ms).No.134, Transport (D) Department, dated 09.04.2018 and G.O.Ms.No.142, dated 26.08.2019, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 25.12.2019, 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.

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3.In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 25.12.2019, 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 respondents to consider the same on its own merits.

4.Accordingly, there shall be a direction to the respondents to consider the petitioner's representation dated 25.12.2019, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Division, Bye-Pass Road,
Madurai-625 016.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
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+1 CC to M/s.A.K.THANGAVELU, Advocate (SR-3932[F] dated
09/02/2021)

W.P. (MD)No.11183 of 2020
05.02.2021

Na (CO)

KB(16.02.2021) 2P 4C

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