



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

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

W.P.(MD) No.19375 of 2019

T.Pandiyan

...Petitioner

Vs.

1.Tamil Nadu State Transport Corporation Ltd.,  
Rep. by its Managing Director,  
Madurai Division,  
Bye Pass Road,  
Madurai - 625 016.

2.The Financial Advisor and  
Chief Accounts Officer,  
Tamil Nadu State Transport Corporation Ltd.,  
Madurai Division,  
Bye Pass Road,  
Madurai - 625 016.

3.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
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 petitioner's Pay Notionally with effect from 01.01.2016 and to revise his pension and other terminal benefits payable to him with effect from 01.03.2018 and also direct to pay the difference in terminal benefits such as Gratuity, Commuted Value of pension and Leave salary etc., and also pension arrears with effect from 01.03.2018 together with interest at the rate of 12% per annum payable to him to till the date of payment of the said monetary benefits based on the 251<sup>st</sup> Board meeting held on 28.08.2018 and passed a resolution in Resolution No.58/2018-19, as per the G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018.

For Petitioner: Mr.A.Rahul

For Respondents: Mr.J.Senthil Kumariah

R1 & R2

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 revise the petitioner's Pay Notionally with effect from 01.01.2016 and to revise his pension and other terminal benefits payable to him with effect from 01.03.2018 and also to pay the difference in terminal benefits such as Gratuity, Commuted Value of pension and Leave salary etc., and also pension arrears with effect from 01.03.2018 together with interest at the rate of 12% per annum payable to him to till the date of payment of the said monetary benefits based on the 251<sup>st</sup> Board meeting held on 28.08.2018 and passed a resolution in Resolution No.58/2018-19, as per the G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.05.2019, 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 03.05.2019, 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 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 03.05.2019, 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 (CS-II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

**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.*

+1 CC to M/s.A.K.THANGAVELU, Advocate ( SR-2521[F]  
dated 01/02/2021 )

**W.P. (MD) No.19375 of 2019**

**29.01.2021**

**VR** (CO)

NR (09/02/2021) 3P : 2C