



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.21193 of 2018

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Tamil Nadu State Transport Corporation
Retired and Pensioners Welfare Association
at No.260B, Deeran Nagar,
Tiruchirappalli-9,
(Registered No.86/2007)
Rep by its President,
T.K.Rajendran, aged 69 years,
S/o.Kandasamy,
Door No.35, Kalliammankoil Street,
Peravurani, Thanjavur District.
Vs.

...Petitioner

- 1.State of Tamil Nadu,
Rep by its Chief Secretary,
Secretariat, Chennai-600 009.
- 2.State of Tamil Nadu,
Rep. by its Finance Secretary,
Department of Finance,
Secretariat, Chennai-600 009.
- 3.State of Tamil Nadu,
Rep by its Secretary,
Department of Transports,
Secretariat, Chennai-600 009.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvallur 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, to direct the respondents to consider our association's representation dated 17.08.2018 and pay the Dearness Allowances enhancement of 119% with effect from 1st July 2015, 125% from 1st January 2016, 132% from 1st July 2016, 136% from 1st January 2017, 139% from 1st July 2017 and 142% from 1st January



2018 to the petitioners and family pensioners of Tamil Nadu State Transport Corporation at the earliest.

For Petitioner : Mr.R.Narayanan

For R-1 to R-3 : Mr.P.Mahendran
Additional Government Pleader

For R-4 : Mr.A.Swaminathan

O R D E R

Since the petitioner's request to the respondents to pay the Dearness Allowances enhancement of 119% with effect from 1st July 2015, 125% from 1st January 2016, 132% from 1st July 2016, 136% from 1st January 2017, 139% from 1st July 2017 and 142% from 1st January 2018 to the petitioners and family pensioners of Tamil Nadu State Transport Corporation was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 17.08.2018, 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.

3.At this juncture, it is seen that the petitioner's representation was way back in the year 2018 and therefore, it would be appropriate to give liberty to the petitioner to make a fresh representation to the third respondent with a direction to consider the same, 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.

4.In the light of the above observation, the petitioner is granted liberty to make a fresh representation to the third respondent herein and on receipt of such representation, the third respondent shall consider the same, on its own merits and pass appropriate order in accordance with law, as expeditiously as possible.



5. Accordingly, this Writ Petition stands disposed of.
No costs.

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Sd/-

Assistant Registrar ()

// 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 Chief Secretary,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Finance Secretary,
State of Tamil Nadu,
Department of Finance,
Secretariat, Chennai-600 009.
3. The Secretary,
State of Tamil Nadu,
Department of Transports,
Secretariat, Chennai-600 009.
Chepauk, Chennai-600 009.

+1 CC to M/s.SPL GP (SR-12990[F] dated 23/03/2021)

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Ak(11/05/2021) 3P 5C