



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 10.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.NO.21176 OF 2017

P.Bharathanesan

...Petitioner

Vs

M/s. State Express Transport Corporation Ltd.,
Represented by its Managing Director,
No.2 Pallavan Salai,
Chennai-600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or order or direction in the nature of Writ, directing the respondent to revise the grade pay from Rs.2600/- to Rs.4300/- as per 12th wage settlement with effect from 01.09.2013 and pay the consequential benefits of gratuity, Earned Leave, Medical leave surrender amount, Commutation of pension amount, Balance commutation amount of Rs.84,438/- with interest at the rate of 6% per annum by considering petitioner's representation dated 31.12.2016.

For Petitioner : Mr.D.Soundar Raj

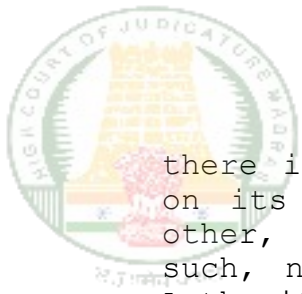
For Respondent : Mr.K.Kathiresan

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondent on 31.12.2016 seeking for revision of his grade pay from Rs.2600/- to Rs.4300/- as per 12th wage settlement with effect from 01.09.2013, along with all the terminal benefits and the balance commutation amount of Rs.84,438/- with interest at the rate of 6% per annum . Since the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the respondent herein to consider the petitioner's representation dated 31.12.2016 on its own merits and pass appropriate orders in accordance with law, within a period of four (04) 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 views 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. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

gd

To

M/s. State Express Transport Corporation Ltd.,
Represented by its Managing Director,
No.2 Pallavan Salai,
Chennai-600 002.

+1cc to Mr.D.Soundar Raj, Advocate Sr.No.2360

+1cc to Mr.K.Kathiresan, Advocate Sr.No.1878

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SPD(CO)
RVM(14/02/2022)