



WP(MD)No.20523 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20523 of 2022

T.Selvamani

... Petitioner

/vs./

1.The Tamil Nadu State Trasnport Corporation
(Kumbakonam) Limited,
rep., by its Managing Director,
Kumbakonam 612 001.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam 612 001.

3.The Chief Financial Officer,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Officer, Kumbakonam 612 001.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvallur House, Anna Salai,
Chennai 600 002.

... Respondents



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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 and to pay difference in salary, difference in gratuity, difference in earned leave salary and arrears of pension from November 2016 to October 2019 together with interest at the rate of 18% per annum and also to pay the interest at the rate of 18% per annum on belated payment of difference in commuted value pension from November 2016 to October 2019 in terms of 7th pay commission recommendations for revision of pay and as per G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018 within the time limit stipulated by this Court.

For Petitioner : Mr.D.Senthilkumaar
For Respondents : Mr.K.Jagadees Balan (for R1 to R3)
Standing Counsel
Mr.S.C.Herold Singh (for R4)
Standing Counsel

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 respondents on 22.11.2021 seeking to revise his pay as per 7th pay commission and G.O.Ms.No. 134, Transport (D) Department, dated 09.04.2018, and arrears of pension with interest. Since the said representation was not considered, the present writ petition has been filed.



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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 respondents herein to consider the petitioner's representation dated 22.11.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.



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WEB COPY 5. With the above direction, the Writ Petition stands disposed of. No costs.

01.09.2022

Index : Yes / No

Internet : Yes / No

Rmk

TO:

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam 612 001.
2. The General Manager,
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Kumbakonam Region,
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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD)No.20523 of 2022

Dated:
01.09.2022