



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.987 of 2019

Tamil Nadu Arasu Pokkuvarathu
Kazhagangalin Oyvu Petra Oozhiyar
Munnetra Nala Sangam,
(Registration No.84/2004),
Kumbakonam & Nagai Region,
Rep. by its Secretary N.Anbumani,
Door No.11, Sundarampillai Nagar Extension,
Karanthai, Thanjavur - 2. ... Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department and
Chairman of State Public Sector Undertakings,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai - 9.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2. ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to pay the Members of the petitioner Association the revised dearness allowance on monthly pension with effect from 01.01.2016 as revised from time to time and once in 6 months and also to revise their basic pension with effect from 01.09.2016 with multiplier of 2.44 together with the revised dearness allowance with effect from 01.09.2016 as revised from time to time, within a time that may be fixed by this Court, with arrears and interest, award costs.

For Petitioner	: Mr.A.Rahul
For Respondents	: Mrs.D.Farjona Ghoushia for R1 Special Government Pleader Mr.D.Sivaraman for R2 Standing Counsel Mr.A.Swaminathan for R3 Standing Counsel



O R D E R

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 10.12.2018 seeking to pay the Members of the petitioner Association the revised dearness allowance on monthly pension with effect from 01.01.2016 as revised from time to time and once in 6 months and also to revise their basic pension with effect from 01.09.2016 with multiplier of 2.44 together with the revised dearness allowance with effect from 01.09.2016 as revised from time to time, with arrears and interest, award costs. 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 second respondent herein to consider the petitioner's representation, dated 10.12.2018, 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.

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

Sd/-

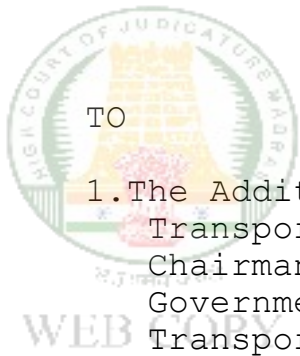
Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

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TO

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Chennai - 2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-24365[F] dated 07/06/2022)

+1 CC to M/s.A.RAHUL, Advocate (SR-24630[F] dated 08/06/2022)

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KS (CO)

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