



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.13287 of 2022

A.Rajan

... Petitioner

Vs.

- 1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam), Ltd.,
Represented by its Managing Director,
Kumbakonam.
 - 2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam), Ltd.,
Trichy Region,
Trichy.
 - 3.The Administrator,
The Tamil Nadu 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 to issue a writ of Mandamus, directing the respondents to fix the petitioners pay correctly at the appropriate stage in the revised scale of Senior Driver which was existing as on the date of his reinstatement (01.12.2012) and to give him further pay fixation, revision, with all consequential benefits including difference in salary from the date of his reinstatement and further directing the respondents to count petitioners service from the date of appointment to the date of dismissal (19.02.1991 to 06.09.2001) along with his service from date of reinstatement i.e. from 01.12.2012 for the purposes of pension, gratuity and all other terminal benefits.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Jagadees Balan for R1 and R2
Standing Counsel

O R D E R

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

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2. The petitioner herein had given a representation to the respondents on 16.03.2022 seeking to fix the petitioner's pay correctly at the appropriate stage in the revised scale of Senior Driver, which was existing as on the date of his reinstatement (01.12.2012) and to give him further pay fixation, revision, with all consequential benefits including difference in salary from the date of his reinstatement and further directing the respondents to count petitioner's service from the date of appointment to the date of dismissal (19.02.1991 to 06.09.2001) along with his service from date of reinstatement i.e. from 01.12.2012 for the purposes of pension, gratuity and all other terminal benefits. 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 respondents herein to consider the petitioner's representation dated 16.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

- 1.The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kumbakonam), Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam), Ltd.,
Trichy Region,
Trichy.
- 3.The Administrator,
The Tamil Nadu Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.K. JAGADEES BALAN, Advocate (SR-28303[F] dated
27/06/2022)

+1 CC to M/s.A. RAHUL, Advocate (SR-28285[F] dated 27/06/2022)

W.P. (MD) No.13287 of 2022
27.06.2022

KG(CO)
TR(07.07.2022) 3P 6C