



W.P.(MD).No.13284 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD).No.13284 of 2022

R.Manickam

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi,
Managiri,
Karaikudi – 630 307.

3.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the grade pay of the petitioner as per G.O.Ms.No.61 Transport (C)



W.P.(MD).No.13284 of 2022

Department dated 30.04.2015 passed in the light of settlement made under section 12(3) of I.D.Act and pay revised retirement benefits and pension arrears with effect from 01.09.2010 on the basis of the representation dated 26.11.2021.

For Petitioner : Mr.SP.Vijay Nivas

For R-1 and R-2 : Mr.K.Jagadees Balan,
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 26.11.2021 seeking for revision of grade pay of the petitioner as per G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 passed in the light of settlement made under section 12(3) of I.D.Act and payment of revised retirement benefits and pension arrears with effect from 01.09.2010. Since the said representation was not considered, the present writ petition has been filed.



W.P.(MD).No.13284 of 2022

WEB COPY

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 first respondent herein to consider the petitioner's representation dated 26.11.2021 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.



W.P.(MD).No.13284 of 2022

5. With the above direction, the Writ Petition stands disposed of.

WEB COPY

No costs.

27.06.2022

Index: Yes/No

Speaking order/Non-speaking order

Nsr/TM

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W.P.(MD).No.13284 of 2022

M.S.RAMESH,J.

Nsr/TM

W.P.(MD).No.13284 of 2022

27.06.2022