



WP(MD)No.14179 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.14179 of 2020

M.Murugesan

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye-Pass Road,
Madurai – 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye-Pass Road,
Madurai – 625 016.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye-Pass Road,
Madurai – 625 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise petitioner's



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present pay of Rs.19,300/- and scale of pay and to fix his basic pay at Rs.42,200/- on par with his junior drivers and the drivers who had joined the Tamil Nadu State Transport Corporation as drivers along with him duly granting me notional continuity of service and annual notional increments and notional fixation of pay from the date of dismissal from the service and date of his reinstatement into service from the period 27.04.2001 to 04.09.2012 for the purpose of pension, gratuity, contribution to provident fund and other retirement benefits with reference to award dated 24.09.2014 made in ID No.29/2013 by the learned Presiding Officer, Labour Court, Madurai and grant such other reliefs.

For Petitioner : Mr.Y.Krishnan

For Respondents : Mr.J.Senthilkumariah,
Standing Counsel.

ORDER

The petitioner herein had given a representation to the respondents on 03.09.2020, seeking for revision of his scale of pay and to fix his basic pay at Rs.42,200/- on par with his junior drivers and the drivers, who had joined the Tamil Nadu State Transport Corporation as drivers along with him and to grant notional continuity of service and annual notional increments and fix notional pay



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from the date of dismissal from the service to the date of his reinstatement into service viz., 27.04.2001 to 04.09.2012 for the purpose of pension, gratuity, contribution to provident fund and other retirement benefits with reference to an Award dated 24.09.2014 made in ID No.29 of 2013 by the learned Presiding Officer, Labour Court, Madurai. Since the said representation was not considered, the present writ petition has been filed.

2. 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.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated



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03.09.2020, 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.

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

03.08.2022

Index : Yes / No
Internet : Yes / No

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M.S.RAMESH, J.

vsm

Order made in
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