



W.P.(MD) No.16374 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16374 of 2022

R.Sundaram

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
TNSTC Head Office,
27, New Railway Station Road,
Kumbakonam – 612 001.

2.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 pay the petitioners 4th and 5th review in fixation methods mentioned in the 11th pay settlement as paid in Pudukkottai Region which comes under the 1st Respondent Management in the light of the 11th pay settlement, dated 22.01.2011.



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For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.K.Jagadees Balan for R1
Standing Counsel
Mr.S.C.Herold Singh, for R2
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 27.06.2022 seeking to pay the petitioners 4th and 5th review in fixation methods mentioned in the 11th pay settlement as paid in Pudukkottai Region which comes under the 1st Respondent Management in the light of the 11th pay settlement, dated 22.01.2011. 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.



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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 27.06.2022 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.

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Index : Yes / No
Speaking Order/ Non Speaking Order

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M.S.RAMESH,J.

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