



WP(MD)No.18326 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2022**

CORAM:

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

W.P.(MD)No.18326 of 2022

S.Meeran Mohaideen

... Petitioner

/vs./

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

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

3.The Financial Adviser,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to review the



WP(MD)No.18326 of 2022

petitioner's pension benefits and other retirement benefits arrears with effect 01.01.2013 and pay the monetary benefit with effect from 01.10.2017 to till the date of payment along with interest at the rate of 6% per annum as per the 7th Pay Commission Tamil Nadu Government Pension Orders, 2017, on the basis of Resolution No.56/2007-18 passed in 233rd Board Meeting, dated 29.12.2017 agreeing for implementing the benefit of 7th Pay Commission Report to the Managerial/Supervisory Cadre of TNSTC Officers as per G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018 on the basis of the petitioner's representation dated 25.11.2021 within the stipulated time fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas
For Respondents : Mr.Jagadees Balan (for R1)
Mr.S.C.Herold Singh (for R2)

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 25.11.2021 seeking to pay revised pension and retirement benefits based on the the 7th Pay Commission along with interest. Since the said representation was not considered, the present writ petition has been filed.



WP(MD)No.18326 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 25.11.2021 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.



WEB COPY



WP(MD)No.18326 of 2022

M.S.RAMESH, J.

Rmk

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

12.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

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

Order made in
W.P.(MD) No.18326 of 2022