



W.P.(MD) No.18546 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.18546 of 2022

M.Boominathan

... 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.

... 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 petitioner pay as per the settlement u/s. 12 (3) of the I.D Act, dated 04.01.2018, with retrospective effect from 01.09.2016 and consequently, directing the respondents to revise and re-fix the petitioner retirement benefits and to



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disburse difference amounts in the petitioner monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest the rate of 18 percent per annum payable from 01.09.2016 to till the date of actual payment by the respondents, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : 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 sent a representation to the respondents on 26.06.2022 seeking to revise the petitioner pay as per the settlement u/s. 12 (3) of the I.D Act, dated 04.01.2018, with retrospective effect from 01.09.2016 and revise and re-fix the petitioner retirement benefits and to disburse difference amounts in the petitioner monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest the rate of 18 percent per annum payable from 01.09.2016 to till the date of actual



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payment by the respondents. 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 26.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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



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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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