



W.P.(MD).No.18837 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18837 of 2022

R.Gopal

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
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, praying this Court 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) 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 petitioner's representation dated 28.03.2021.



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For Petitioner : Mr.SP.Vijay Nivas
For R-1 : Mr.K.Jagadees Balan,
Standing Counsel.
For R-2 : Mr.S.C.Herold Singh,
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 28.03.2021 seeking for revision of the 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.

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



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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 28.03.2021, 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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes/ No
Lm/btr



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M.S.RAMESH, J.

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