



W.P.(MD)No.19402 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.19402 of 2022

A.Stella Esthar Rani

... Petitioner

Vs.

1. State Express Transport Corporation (Tamil Nadu) Limited,
Rep.by its Managing Director,
Pallavan Salai,
Chennai-2.

2.The General Manager,
State Express Transport Corporation (Tamil Nadu) Limited,
Pallavan Salai,
Chennai-2.

3.Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Rep.by its Administrator,
Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to revise and fix the pay of the deceased husband of the petitioner namely



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Mr.Johnson Chelliah Pandian (EDP No.9161) by re-fixing the Basic pay as per the 13th pay settlement dated 04.01.2018 and to pay the arrears of salary on account of the new fixation of pay from 01.09.2016 till it was due and consequently to revise and fix the monthly family pension of the petitioner by revising last drawn salary of her husband and to pay the same with arrears of pension with interest for the belated payment.

For Petitioner : Mr.V.Kannan

For Respondents : 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 23.11.2021 to revise and fix the pay of the deceased husband of the petitioner namely Mr.Johnson Chelliah Pandian (EDP No. 9161) by re-fixing the Basic pay as per the 13th pay settlement dated 04.01.2018, pay the arrears of salary on account of the new fixation of pay from 01.09.2016 till it was due and consequently to revise and fix the



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monthly family pension of the petitioner by revising last drawn salary of her husband and pay the same with arrears of pension with interest for the belated payment. 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 23.11.2021 on its own merits and pass appropriate orders in accordance



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with law, within a period of three 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 : Yes / No

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M.S.RAMESH, J.

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