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W.P.No.6452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6452 of 2023

Syed Mahaboob Aslam

...Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport Department,
(Chairman, State Transport Undertaking),
Secretariat, Chennai - 600 009.
- 2.The Secretary,
Pension Trust, (TNSTC, SETC & MTC),
No.2, Pallavan Illam, Pallavan Salai,
Chennai - 600 002.
- 3.The Managing Director,
Head Office,
Tamil Nadu State Transport Corporation,
Salem Region, No.12, Ramakrishna Road,
Salem - 636 007.
- 4.The General Manager,
Head Office,
Tamil Nadu State Transport Corporation,
Salem Region, No.12, Ramakrishna Road,
Salem - 636 007.



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5.The Branch Manager,
Johnsonpet Branch - II,
Tamil Nadu State Transport Corporation,
Salem Region, Johnsonpet,
Salem - 636 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to correct the petitioner's service period as 26 years instead of 16 years in the pension payment order No.SLM - 4815 as per Check Slip for sanction of service gratuity in File No.E4/6905/2505/TSTC(SLM/2017 dated 10.06.2019 and as per the representation of the petitioner dated 10.12.2022 and calculate basic pension, dearness allowance and medical allowances as per service period as 26 years and to make payment.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 10.12.2022, seeking for a direction to the respondents 3



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and 4 to correct the petitioner's period of service as 26 years and for payment of basic pension, dearness allowance and medical allowance. 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 third and fourth respondents herein to consider the petitioner's representation dated 10.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the



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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 petitioners and that it is open to the respondents to consider the same on its own merits.

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

02.03.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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