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W.P.No.16654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16654 of 2023

P.Dhanabalan

...Petitioner

Vs

1.The Managing Director,
Head Office,
Tamil Nadu State Transport Corporation,
Salem Region, No.12, Ramakrishna Road,
Salem - 636 007.

2.The General Manager,
Head Office,
Tamil Nadu State Transport Corporation,
Salem Region, No.12, Ramakrishna Road,
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 to redress the petitioner's grievances as set forth in representations dated 11.10.2017 and 07.01.2019 consider granting him basic pay on par with other similarly situated and also to recover money from his salary only for contribution to EPF and not CPS.



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For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.K.Raja,
Standing Counsel

ORDER

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

2. The petitioner herein had given representations to the respondents on 11.10.2017 and 07.01.2019 seeking for grant of basic pay on par with similarly placed employees with a further direction to recover salary towards contribution of EPF. The said representations have not been considered till date and hence, the petitioner has preferred the present Writ Petition.

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 him 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



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the 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 representations dated 11.10.2017 and 07.01.2019 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above directions, the Writ Petition stands disposed of.

No costs.

06.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

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