



W.P.(MD).No.19183 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.19183 of 2021

M.R.Raja

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to re-fix/revise his scale of pay with effect from 01.01.2004 as per G.O.Ms.No.75, Transport (C1) dated 19.09.2006 and to pay the arrears of wages for the period from 01.01.2004 to 30.04.2006 and also balance of gratuity and encashment of leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of his retirement together with 18% p.a within a time frame fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to re-fix/revise his scale of pay with effect from 01.01.2004 as per G.O.Ms.No.75, Transport (C1) dated 19.09.2006 and to pay the arrears of wages for the period from 01.01.2004 to 30.04.2006 and also balance of gratuity and encashment of leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of his retirement together with 18% p.a within a time frame fixed by this Court.

2.Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.K.Jegadeesh Balan, learned Standing Counsel appearing for the respondent and perused the materials available on record.

3.The petitioner was appointed as Junior Assistant in the respondent Corporation on 26.06.1972. Finally, he was promoted as 'Senior Superintendent/Section Officer' with effect from 03.10.2002, by an order of the respondent, dated 20.07.2005. Subsequently, on 27.07.2005, his scale of pay was fixed as Rs.7,300/- as basic pay with



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effect from 27.12.2004. New pay scales were ordered to be given to the employees of the State Transport Corporation including the petitioner with retrospective effect from 01.01.2004, vide G.O.Ms.No. 75, Transport (C1) Department, dated 19.09.2006. Though the petitioner retired from service on 30.04.2006, in view of the retrospective effect given to the above said G.O., the petitioner is also entitled to get wages in the revised scale of pay of Rs.9,600/- as basic pay with all other allowance retrospectively with effect from 01.01.2004. The petitioner was not given the arrears of wages for the period from 01.01.2004 to 30.04.2006 by the respondent. Hence, the petitioner made several representations, and the last one of such representations was on 24.07.2021. However, the same was not considered. Hence, this Writ Petition came to be filed.

4.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 respondent 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



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under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondent to consider the representation of the petitioner, dated 24.07.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.



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L.VICTORIA GOWRI, J.

ps

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