



W.P.(MD).No.23276 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23276 of 2023

K.Duraikannan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul Region, Chettinayakkanpatti Post,
Dindigul-624 005.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

... 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 settle the Terminal Benefits, payable to the petitioner such as difference in Gratuity, Leave Salary, and Pension amount of Rs.5,46,178/- in terms of G.O. (MS)No.134 Transport (D) Department, dated 09.04.2018 and G.O.(Ms)No.242



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Transport (E) Department, dated 26.08.2019 and all other attendant benefits to him with interest at the rate of 6% per annum from 01.10.2017 to till the date of payment.

For Petitioner : Mr.A.K.Thangavelu

For R1 & R2 : Mr.S.Raja
Standing Counsel

For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to settle the Terminal Benefits, payable to the petitioner such as difference in Gratuity, Leave Salary, and Pension amount of Rs.5,46,178/- in terms of G.O.(MS)No.134 Transport (D) Department, dated 09.04.2018 and G.O.(Ms)No.242 Transport (E) Department, dated 26.08.2019 and all other attendant benefits to him with interest at the rate of 6% per annum from 01.10.2017 to till the date of payment.

2. The petitioner joined as Junior Assistant (Apprentice) in the respondent corporation with effect from 07.06.1982 and his service has been



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regularized as Junior Assistant with effect from 07.06.1984. Later, he was promoted as Senior Superintendent and on attaining the age of superannuation, he was allowed to retire from service on 30.04.2017. After the petitioner's retirement, the Government had issued G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018, by which it was ordered to implement the Tamil Nadu Revised Pay Rules, 2017 and applicable to the Managerial Cadre Officers and Technical/Administrative Supervisory Cadre Employees of State Transport undertaking as per 7th Pay Commission Recommendations. In view of the fact that the petitioner is drawing only meager pension amount, he made a representation, dated 12.09.2022 and 28.08.2023 seeking to revise the pay revision in terms of G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018. However, the same was not considered.

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 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 made by the Statutory Authority would



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amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. This Court hereby direct the respondents to consider the representation and settle the terminal benefits payable to the petitioner such as difference in gratuity, leave salary and pension amount in terms of G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018 and G.O.(Ms)No.242 Transport (E) Department, dated 26.08.2019 and all other attendant benefits to the petitioner with interest at the rate of 6% per annum from 01.10.2017 till the date of payment.

5. Accordingly, this Writ Petition stands disposed of. No costs.

25.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai-625 016.

2.The General Manager,



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Tamil Nadu State Transport Corporation Ltd.,
Dindigul Region, Chettinayakkanpatti Post,
Dindigul-624 005.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pension Fund Trust,
Thiruvalluvar Illam,
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L.VICTORIA GOWRI, J.

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