



W.P.(MD).No.1718 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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T.Subramanian

... Petitioner

Vs

1. The Management Of Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region,
Rep. by its Managing Director,
Trichy.
2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai -2.

... 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 revise the pension benefits of the petitioner, namely Commuted Value of Pension and monthly pension from October, 2013 under TNSTCE Pension Fund Rules by taking his scale of pay on the month of his retirement i.e., September, 2013 as Rs.13,465/- as admitted by the 1st respondent before the Labour Court, Trichy in C.P.No.1/20 and also by counting his pensionable



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service period as 26 years and to pay him revised monthly pension, along with difference/arrears of Commuted Value of Pension and monthly pension for the period from October, 2013 together with 18% interest per annum, within a time frame fixed by this Court.

For Petitioner : Mr. S. Arunachalam

For Respondents : Mr.K.Ramaiah (R1)
Mr.S.C.Herold Singh (R2)
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents to revise the pension benefits of the petitioner, namely, Commuted Value of Pension and monthly pension from October, 2013 under TNSTCE Pension Fund Rules by taking his scale of pay on the month of his retirement i.e., September, 2013 as Rs.13,465/- as admitted by the 1st respondent before the Labour Court, Trichy in C.P.No.1/20 and also by counting his pensionable service period as 26 years and to pay him revised monthly pension, along with difference/arrears of Commuted Value of Pension and monthly pension for the period from October, 2013 together with 18% interest per annum, within a time frame fixed by this Court.



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2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsels appearing for the respondents. Perused the materials on record.

4.(i).From 26.06.1987, the petitioner was employed as Driver in the respondent Corporation and he retired from service on 30.09.2013. Though his terminal benefits were settled with a delay of two years, the respondents have not settled the same correctly. Therefore, the petitioner is entitled for revision of pension benefits.

(ii).While he was in service, he was imposed with a punishment of increment cut with cumulative effect for two years by the first respondent vide order, dated 13.01.2003. It was challenged by his Union in I.D.No.124 of 2009, in which, the punishment was modified to one year increment cut with cumulative effect vide Award, dated 30.05.2017. Since the first respondent did



(iii).In the meanwhile, he filed a computation petition u/s.33(C)(2)

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5. 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.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the first respondent to pass appropriate orders on the proposal forwarded by the second respondent with respect to the representation of the petitioner, dated 23.11.2023, in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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