



W.P.(MD).No.2432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2432 of 2024

M.Rahmathulla

... Petitioner

Vs

1. The Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Division,
Bye Pass Road,
Madurai - 625 016..
3. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Madurai Region, Bye Pass Road,
Madurai - 625 016.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents



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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.6,52,061/- in terms of G.O. (MS) No.134 Transport (D) Department, dated 09.04.2018 and G.O.(Ms) No. 142 Transport (E) Department, dated 26.08.2019 along with the Government clarification letter No. File 1706-C1.2023-1, dated 25.05.2023 and all other attendant benefits to him with interest at the rate of 18 % per annum from 01.10.2017 to till the date of payment.

For Petitioner : Mr.A.S.Thangavelu

For Respondents : Mr.M.Siddharthan (R1)
Additional Government Pleader

Mr.S.Raja (R2,R3)
Mr.S.C.Herold Singh (R4)
Standing Counsels

ORDER

The present writ petition has been filed seeking a 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.6,52,061/- in terms of G.O. (MS) No.134 Transport (D) Department, dated 09.04.2018 and G.O.(Ms) No.142 Transport (E) Department, dated 26.08.2019 along with the Government clarification letter No. File 1706-C1.2023-1, dated 25.05.2023 and



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all other attendant benefits to him with interest at the rate of 18 % per annum from 01.10.2017 to till the date of payment.

2.By consent of both parties and considering the limited relief sought for by the petitioner, notice to the fifth respondent is dispensed with and 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.The petitioner joined as Technician in the respondent corporation with effect from 12.07.1981 and his service has been regularized as Junior Engineer in the year 1982. Later, he was promoted as Assistant Manager and on attaining the age of superannuation, he was allowed to retire from service on 31.12.2017. 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 made applicable to the Managerial Cadre Officers and Technical/Administrative



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Supervisory Cadre Employees of State Transport undertaking as per 7th Pay Commission Recommendations. As per G.O.(Ms)No.242 Transport (E) Department, dated 26.08.2019 his pension amount was revised and refixed. However, the difference in Gratuity, leave salary and pension amount was not settled. In view of the fact that the petitioner made representations, dated 28.09.2023 and 30.09.2023 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.

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 made by the Statutory Authority would 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.

6. This Court hereby direct the respondents to consider the representation and settle the terminal benefits payable to the petitioner such as



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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.

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

There shall be no order as to costs.

06.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Additional Chief Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai - 600 009.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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