



**W.P.(MD).No.3033 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.03.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.3033 of 2024**

**M.Baskaran**

**... Petitioner**

**Vs.**

**1.The Managing Director,  
Tamil Nadu State Transport Corporation Limited,  
Tirunelveli Region,  
Tirunelveli.**

**2.The General Manager,  
Tamil Nadu State Transport Corporation Limited,  
Tirunelveli Region,  
Tirunelveli.**

**... 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 implement the 6<sup>th</sup> Pay Commission with effect from 17.06.2009 and further on the base of the same to give increment and further to disburse all terminal different benefits arrears in Provident Fund, Earn Leave Salary, Pension Arrears and to revise the petitioner's basic pension in the base of the petitioner's representation, dated 19.08.2023 within the stipulated time fixed by this Court.

**For Petitioner : Mr.K.Gokul**

**For Respondents : Mr.D.Jebaraj  
Standing Counsel**



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## **ORDER**

The present writ petition has been filed seeking direction to the respondents to implement the 6<sup>th</sup> Pay Commission with effect from 17.06.2009 and further on the base of the same to give increment and further to disburse all terminal different benefits arrears in Provident Fund, Earn Leave Salary, Pension Arrears and to revise the petitioner's basic pension in the base of the petitioner's representation, dated 19.08.2023.

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

3. The petitioner was appointed in the respondent Corporation as a Junior Engineer on 02.11.1984. On 08.03.2007, the respondent passed an order to promote the petitioner to the post of Selection Grade Assistant Engineer with effect from 01.09.2006. Thereafter, by an order, dated 15.05.2007, he was promoted to the post of Assistant Manager with effect from 11.04.2007. The petitioner along with 13 candidates were promoted to the post of Assistant Manager and their basic pay was fixed as Rs.8,000/-. While fixing the scale of pay as Rs.8,000/- to the post of Assistant Manager, prior to that, the petitioner



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was promoted to the post of Selection Grade Assistant Engineer on 08.03.2007 with effect from 01.09.2006. For that period, the respondent Corporation has to implement 6<sup>th</sup> pay commission. Thereafter, the petitioner's basic salary has to be refixed and based on the same, the petitioner has to be given increment and other benefits with arrears and his pension has also to be revised. With regard to the same, the petitioner made a representation, dated 19.08.2023 to the respondents requesting them to implement the 6<sup>th</sup> pay commission with effect from 17.06.2009 and to give increment, disburse all his terminal different amounts arrears in provident fund, earned leave salary, pension arrears and to revise his pension. Since the same is not considered, 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 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.



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5. Without going into the merits of this case, this Court directs the respondents to consider the representation of the petitioner, dated 19.08.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

**12.03.2024**

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

1.The Managing Director,  
Tamil Nadu State Transport Corporation Limited,  
Tirunelveli Region,  
Tirunelveli.

2.The General Manager,  
Tamil Nadu State Transport Corporation Limited,  
Tirunelveli Region,  
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**L.VICTORIA GOWRI, J.**

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