



W.P.(MD).No.7193 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7193 of 2024

A.Kandasamy

... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Tirchy Region,
Tirchy - 620 001.
3. The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Corporate Office, Kumbakonam - 612 001.
4. The Administrator,
The Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Anna 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 herein to revise the wages of the petitioner with effect from 01.09.2019 based on the 13th wage settlement, dated 01.04.2018 and to pay arrears of wages



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payable from 01.09.2016 to 31.07.2017, difference in Gratuity, difference in Leave Salary and difference in pension along with the interest at the rate of 12 percent per annum from the date of wage settlement i.e. 01.04.2018 till the date of actual payment.

For Petitioner : Mr. D.Siva Raman

For Respondents : Mr.K.Ramaiah (R1 to R3)
Mr.H.C.Herold Singh (R4)
Standing Counsels

ORDER

The present writ petition has been filed seeking a directing the respondents herein to revise the wages of the petitioner with effect from 01.09.2019 based on the 13th wage settlement, dated 01.04.2018 and to pay arrears of wages payable from 01.09.2016 to 31.07.2017, difference in Gratuity, difference in Leave Salary and difference in pension along with the interest at the rate of 12 percent per annum from the date of wage settlement i.e. 01.04.2018 till the date of actual payment.

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



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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.

5. This Court hereby direct the respondents to consider the representation made by the petitioner, dated 02.02.2024 and thereafter, revise the wages of the petitioner with effect from 01.09.2016 based on the 13th wage settlement, dated 01.04.2018 and pay the difference amount in gratuity, leave salary, pension for the period from 1.9.2016 to 31.12.2017 to which he is entitled along with interest at the rate of 6% per annum from the date of wage settlement i.e., 01.04.2018 till the date of actual payment. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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

There shall be no order as to costs.

22.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Tirchy Region,
Tirchy - 620 001.
3. The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Corporate Office, Kumbakonam - 612 001.
4. The Administrator,
The Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
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L.VICTORIA GOWRI, J.



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ORDER IN
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