



W.P.(MD)No.8754 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8754 of 2024

L.Balakrishnan (EDP No.3594)

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,

Represented by its Managing Director,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.

2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,

Represented by its General Manager,
Nagercoil Region,
Ranithottam, Nagercoil.

3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvarillam,
Anna Salai, Chennai – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revise the petitioner's scale of pay with effect from 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 30.04.2020 and also the difference in petitioner's terminal benefits namely Gratuity, Encashment of



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Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement, together with 18 percent interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For R-1 and R-2 : Mr.D.Jebaraj
Standing Counsel

For R-3 : Mr.S.C.Herold Singh

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. This Writ Petition has been filed seeking direction against the first respondent to revise the petitioner's scale of pay with effect from 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 30.04.2020 and also the difference in petitioner's terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement, together with 18 % interest per annum. The Petitioner also given representation to the respondents on 25.03.2024. Since the said representation was not considered, the present writ petition has been filed.



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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 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 25.03.2024 on its own merits and pass appropriate orders in accordance with the eligibility of the petitioner, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of. No costs.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
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- 3.The Administrator,
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Nsr

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