



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18900 of 2016

S.Veluchamy

... Petitioner

vs.

1.The Management of Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pas Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Virudhunagar Region,
Virudhunagar.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar house,
Pallavan Salai, Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration declaring the action of the respondents in denying 3rd review benefit as on 01.08.2014 as illegal arbitrary and unconstitutional and consequently direct the respondents to grant 3rd review benefit to the petitioner and to pay arrears of difference in salary from 01.08.2014 to 30.11.2014 and to pay difference in retiral benefits including difference in pension gratuity earned leave salary commuted value of pension and all other retiral benefits based on 3rd review benefits together with interest at the rate of 18% per annum for the period from the date of retirement to till the date of payment to the petitioner.

For Petitioner : Mr.A.Rahul

For 3rd Respondent : Mr.A.P.Muthupandian

For Respondent 1&2: Mr.A.Jeyaram

ORDER

This Writ petition has been filed to declare the action of the respondents in denying the third review benefit as on 01.08.2014 as illegal, arbitrary and unconstitutional and consequently direct the respondents to grant 3rd review benefit to the petitioner and to pay all retiral benefits.

2.The petitioner was employed as Selection Grade Driver in the respondent Corporation and he retired from service on 30.11.2014 on reaching the age of superannuation.

3.It is the case of the petitioner that he has already received two review benefits and the third review benefit, which ought to have been granted to him as on 01.08.2014. It appears that the third review has been declined, citing the pendency of charge memo issued against the petitioner on 15.03.2014. The benefit of third review cannot be declined to the petitioner, because, the charge memo has already been closed by imposing a fine of Rs.200/-. Therefore, that cannot be a ground to decline the third review.

4.The learned counsel for the petitioner would submit that in terms of 12(3) settlement, the petitioner is entitled to get third review benefit, by which, he would have get pay hike at the rate of 5%. Claiming the same, a representation dated 18.07.2016 has already been submitted to the respondents. But, so far, the same has not been considered.

5.The learned counsel for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner and to pass orders.

6.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 18.07.2016, in the light of 12(3) Settlement dated 22.01.2011 and to pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



TO

1.The Managing Director,
The Management of Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pas Road, Madurai.

WEB COPY

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Virudhunagar Region,
Virudhunagar.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar house,
Pallavan Salai, Chennai - 2.

+1cc to Mr.A.Rahul Advocate Sr.No. 58062

JAM/01.11.16/SKS-RR/3p-5c

W.P (MD) No.18900 of 2016
03.10.2016