



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.2162 of 2016

N.Viswanathan

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region
Rep by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st Respondent to pay the petitioner the arrears of wages and arrears of gratuity and leave salary and also directing both respondents to pay him arrears of pension commutation based on his revised monthly wages payable for the month of September 2010 as per settlement dated 21.02.2011 and as admitted by the 1st respondent in its information dated 20.08.15 along with 16% interest p.a. and within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam for
Mr.RM.Sivakumar

For Respondents : Mr.D.Sivaraman

Standing Counsel.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus to direct the first respondent to pay arrears of wages, arrears of gratuity, leave salary and arrears of pension commutation based on his revised monthly wages payable for the month of September 2010 as per settlement dated 21.02.2011 and as admitted by the first respondent in its information dated 20.08.2015 along with 16% interest per annum.

2.Heard the learned counsel for the petitioner and Mr.D.Sivaraman/learned Standing Counsel who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner has made a representation to the first respondent on 27.11.2015 for payment of arrears of pension commutation based on his revised monthly wages. It is also stated that he was the party to the agreement under Section 12(3) of the Industrial Disputes Act, 1947. It is for the respondents to consider whether he is entitled to the claim sought for by him.

4.In view of the above, the writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 27.11.2015 with respect to the claim made by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

To

Sub-Assistant Registrar

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region
Rep by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.6358

sms

RL/4C/AAL/MPA/10/2/2016

Writ Petition (MD) No.2162 of 2016

01.02.2016