



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.(MD).Nos. 21121 and 21122 of 2014

WEB COPY

C.Dhanabalan

... Petitioner in W.P.(MD)No.21121/2014

S.Selvamanickam

... Petitioner in W.P.(MD)No.21122/2014

Vs.

1.The Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Represented by its Managing Director,

New Railway Road, Kumbakonam.

2.The General Manager (Admin),

Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Pudukkottai Region,

Pudukkottai.

3.The Administrator,

Tamil Nadu State Transport Corporation

Pension Fund Trust,

Thiruvalluvar House,

Pallavan Salai, Chennai-600 002. ...Respondents (in both WP's)

Prayer in W.P.(MD)No.21121 of 2014: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the 4th and 5th review benefits to the petitioner based on settlement dated 22.01.2011 entered into under Section 12(3) of Industrial Disputes Act and to enhance/revise his salary with effect from 01.09.2010 by issuing revised pay fixation order for his promotion to the post of Checking Inspector in the 1st respondent Corporation as per G.O.Ms.No.51 Transport (C1) Department dated 14.03.2013 and further directing the respondents to pay his arrears of difference in salary payable to him for the period commencing from 01.09.2010 to his date of retirement I.e., 31.05.2013 and also to compute and pay revised pension benefits based on the above settlement.

Prayer in W.P.(MD)No.21122 of 2014: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the 4th and 5th review benefits to the petitioner based on settlement dated 22.01.2011 entered into under Section 12(3) of Industrial Disputes Act and to compute and pay revised pension benefits based on the above settlement and Government Order.

For Petitioner

: Mr.A.Rahul

For R-1 to R-2

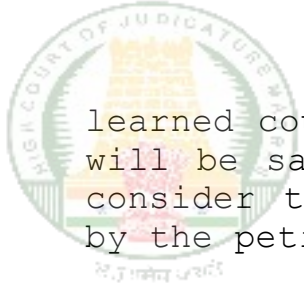
: Mr.D.Sivaraman

: Mr.A.P.Muthupandian.

<https://hcservices.ecourts.gov.in/hcse/Piece3>

COMMON ORDER

Though the petitioners in these writ petitions have prayed for issuance of a writ of mandamus giving a positive direction, the



learned counsel for the petitioners submitted that the petitioners will be satisfied if a direction is issued to the respondents to consider the representations of the petitioners that may be made by the petitioner within a period of two weeks.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.D.Sivaraman, learned Standing Counsel appearing for respondents 1 & 2 and Mr.A.P.Muthupandian, learned Government Advocate appearing for respondent 3.

3. Having regard to the prayer that is now sought by the counsel for the petitioners before this court, without going into the merits of the petitioner's claim, this court is inclined to issue the following direction:

(i) The petitioner in both writ petitions are directed to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order regarding their respective claim/right raised in the present writ petition.

(ii) Upon receipt of such representation from the petitioners, the respondent shall consider and pass appropriate orders on the petitioner's representation within a period of eight weeks from the date of receipt of such representation on merits and in accordance with law.

4. In the result, this writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
New Railway Road, Kumbakonam.

2. The General Manager (Admin),
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Pudukkottai Region, Pudukkottai.

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+One cc to Mr.A.Rahul, Advocate, SR.No.52218

+One cc to Mr.D.Sivaraman, Advocate, SR.No.52181

+One cc to Mr.D.Sivaraman, Advocate, SR.No.52184

<https://hcc.mca.gov.in/MServices/> One cc to Mr.A.Rahul, Advocate, SR.No.52217

GSP/MR

RL/8C/2P/MR/8.5.2017

ORDER MADE IN

W.P. (MD).Nos. 21121 and 21122 of 2014

13.04.2017 (2/2)