



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD).Nos.17434 to 17437 of 2017

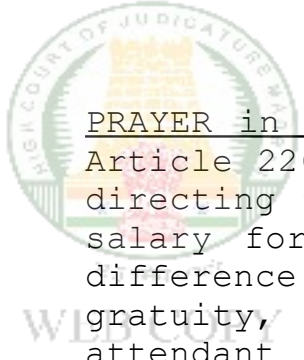
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S.Haridhas ... Petitioner in W.P. (MD) No.17434 of 2017
S.Ganesan ... Petitioner in W.P. (MD) No.17435 of 2017
K.Packirisamy ... Petitioner in W.P. (MD) No.17436 of 2017
T.Rajendran ... Petitioner in W.P. (MD) No.17437 of 2017

Vs.

1. Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam. ... 1st respondent in all petitions
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.
... 2nd respondent in W.P (MD) Nos.
17434, 17436 & 17437 of 2017
3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.
... 2nd respondent in W.P (MD) No.17435 of
2017
4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2. ... 3rd respondent in all petitions

PRAYER in W.P. (MD) No.17434 of 2017: Writ petition is filed, under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 30.06.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.07.2014 to till date together at the rate of 18% per annum based on the said settlement.



PRAYER in W.P.(MD)No.17435 of 2017: Writ petition is filed, Under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.01.2015 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.02.2015 to till date together with interest at the rate of 18% per annum based on the settlement under section 12(3) of ID Act dated 13.04.2015.

PRAYER in W.P.(MD)No.17436 of 2017: Writ petition is filed, Under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 28.02.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.03.2014 to till date together with interest at the rate of 18% per annum based on the settlement under section 12(3) of ID Act dated 13.04.2015.

PRAYER in W.P.(MD)No.17437 of 2017: Writ petition is filed, Under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.05.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.06.2014 to till date together with interest at the rate of 18% per annum based on the settlement under section 12(3) of ID Act dated 13.04.2015.

For Petitioner : Mr.A.Rahul
(In all petitions)

For Respondents : Mr.D.Sivaraman,
(In all petitions) Standing Counsel

C O M M O N O R D E R

By consent, these writ petitions are taken up for final disposal at the admission stage itself. Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents.

2.The petitioners, who had worked in the respondent Corporation are before this Court, seeking a Writ of Mandamus, to direct the respondents to pay them the difference amount in their salary from 01.09.2013 i.e., the date on which the settlement dated 13.04.2015, was effected under Section 12(3) of I.D. Act, 1947, till the date of their retirement, viz., 30.06.2014, 31.01.2015, 28.02.2014 and 31.05.2014 respectively. The



petitioners also sought for a direction to the respondents to pay their retirement benefits, by taking into consideration the settlement under Section 12(3) of I.D. Act, dated 13.04.2015, right from their date of retirement, with all arrears and accrued interest. In this regard, the petitioners also submitted individual representation before the respondents on 12.08.2017, 05.08.2017, 04.08.2017 & 06.07.2017 respectively.

3.The learned Counsel for the petitioners submitted that it would be suffice, if the representation of the petitioners is disposed of the respondents, in the manner known to law, within a stipulated time limit.

4.On the other hand, the learned Standing Counsel, on instructions, submitted that no such representations were received by the respondents in this regard, whereas, he fairly submitted that if the petitioners submit a copy of their representation, then necessary orders will be passed by the authorities.

5.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioners to submit a copy of the representation along with a copy of this order to the respondents forthwith, who in turn is directed to consider the same and pass appropriate orders, on its own merits and in line with the settlement under Section 12(3) of I.D. Act, 1947, dated 13.04.2015, after affording due opportunity of hearing to the petitioners, within a period of six weeks thereafter.

6.With the above directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.

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



3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.

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

+4cc to Mr.A.RAHUL,Advocate,SR. 79256,79257,79258,79259

+4cc to Mr.D.SIVARAMAN,Advocate,SR.79187,79188,79189,79190

W.P. (MD) .Nos.17434 to 17437 of 2017
15.09.2017

GK/SMI

KK/JC/SAR3/25.09.2017/4P-13C