



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.12521 of 2018

M.Nagasubramanian

... Petitioner

Vs.

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

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

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

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant 5th review benefit to the petitioner and consequently direct the respondents to revise and refix his last drawn pay and his terminal benefits based on the 5th review benefits and further directing the respondents to pay the arrears of difference in salary and difference in terminal benefits including difference in commutation, difference amount in pension, difference in gratuity and difference in earned leave salary with interest at 18% per annum payable from the date of the petitioner's retirement till the date on which the above monetary benefits were settled to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondents to grant 5th review benefit to the petitioner and consequently direct the respondents to revise and refix his last drawn pay and his terminal benefits based on the 5th



review benefits and further directing the respondents to pay the arrears of difference in salary and difference in terminal benefits including difference in commutation, difference amount in pension, difference in gratuity and difference in earned leave salary with interest at 18% per annum payable from the date of the petitioner's retirement till the date on which the above monetary benefits were settled to the petitioner.

2. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner after having worked as Special Grade Tradesman, retired from service. He would further submit that even though a larger prayer has been sought for in the writ petition, the petitioner would be confined with the prayer that if his representation dated 27.02.2017 made to the respondents is directed to be considered and an order to that would be passed, within a time frame, the petitioner would be satisfied.

4. I have heard Mr.D.Sivaraman, learned counsel appearing for the respondents, who would submit that the said representation of the petitioner dated 27.10.2017 would be considered on merits and in accordance with law and an order to that effect would be passed, within a time frame, that may be fixed by this Court.

5. Considering the said submissions made by both sides, this writ petition is disposed of with the following direction:

"The petitioner's representation dated 27.10.2017 shall be considered on merits and in accordance with law, especially as per the settlement reached between the employer and employees under Section 12(3) of I.D.Act, with regard to the service benefits claimed by the petitioner and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

+1cc to M/S.A.Rahul, Advocate SR.No. 68107

+1cc to M/S.D.Sivaraman, Advocate SR.No. 68057

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JM/SV MMS/SAR 1/29.06.2018/3P/3C