



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.12520 of 2018

M.Nadimuthu

... Petitioner

Vs.

1.The Management of 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 Tegment,
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 re-fix the petitioner's entire review benefits based on the new review pattern as agreed in the settlement entered under Section 12(3) of the I.D.Act dated 22.01.2011 by taking into account his initial entry into service in temporary capacity as Assistant Welder cum Tinker i.e. from 27.03.1974 to 31.07.2013, the date on which the petitioner retired from service and consequently direct the respondents to revise and re-fix his last drawn pa and his terminal benefits based on the 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 his 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 re-fix the petitioner's entire review benefits based on the new review pattern as agreed in the settlement entered under Section 12(3) of the I.D.Act dated 22.01.2011 by taking into account his initial entry into service in temporary capacity as Assistant Welder cum Tinker i.e. from 27.03.1974 to 31.07.2013, the date on which the petitioner retired from service and consequently direct the respondents to revise and re-fix his last drawn pay and his terminal benefits based on the 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 his 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 General Foreman, 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 02.04.2018 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 02.04.2018 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 02.04.2018 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)

WEB COPY /True Copy/

Sub Assistant Registrar

To

+1cc to M/S.A.Rahul, Advocate SR.No. 68106

+1cc to M/S.D.Sivaraman, Advocate SR.No. 68056

W.P (MD) No.12520 of 2018
13.06.2018

arul

JM/SV MMS/SAR 1/28.06.2018/3P/3C