



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20980 of 2018

M.Duraisamy

... Petitioner

Vs.

1. The Managing Director
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Trichy.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's scale of pay in the post of Record Clerk with effect from 01.09.2016 as per the settlement under Section 12 (3) of the I.D.Act, dated 04.01.2018 and consequently, direct the respondents to pay his difference in salary from 01.09.2016 to 31.06.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary and difference amount in monthly pension payable to him based on 13th wage settlement, dated 04.01.2018, together with interest at 18% per annum, payable from the date of the petitioner's retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner

: Mr.A.Rahul

For Respondents

: Mr.D.Sivaraman

(P1&P2)

Standing Counsel

For Respondent-3

: Mr.A.P.Muthupandian

**ORDER**

The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's scale of pay in the post of Record Clerk with effect from 01.09.2016 as per the settlement under Section 12 (3) of the I.D.Act, dated 04.01.2018 and consequently, direct the respondents to pay his difference in salary from 01.09.2016 to 31.06.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary and difference amount in monthly pension payable to him based on 13th wage settlement, dated 04.01.2018, together with interest at 18% per annum, payable from the date of the petitioner's retirement to till the date on which the above monetary benefits are settled to him.

2. Mr.D.Sivaraman, the learned Standing Counsel takes notice for the respondents 1 & 2. Mr.A.P.Muthupandian, the learned Standing Counsel takes notice for R3.

3. The learned counsel appearing for the petitioner submitted that it would suffice if the representation of the petitioner, dated 08.09.2018, is disposed of in accordance with law, within a time frame to be fixed by this Court.

4. In view of the limited scope of the prayer, without going into the merits of the matter, the Authority concerned is directed to consider the representation of the petitioner, dated 28.09.2018, in accordance with law, after affording an opportunity of hearing to the petitioner, pass appropriate orders within a period of two months from the date of receipt of a copy of this order, if there are no legal impediments. If the petitioner is otherwise found eligible, the amount payable to the petitioner may be disbursed.

5. With the above direction, the Writ Petition stands disposed of. No costs.

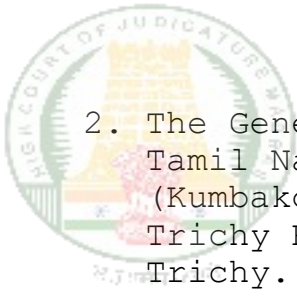
Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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



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

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

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 90720
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 90617

MPK

TE/RSK/SAR-2 : 27/11/2018 : 3P/6C

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