

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20864 of 2019

S.Kruschev

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
 2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Kanchipuram Division
Karaipettai, Kanchipuram-631 552.
 3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.
- ... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay difference in gratuity, difference in Surrender Leave and difference in Commutation with 18% interest p.a till the date of payment, as per Wages Settlement No.C1/036966/2017 dated 04.01.2018.

For Petitioner : Mr.R.Anbalagan

For Respondents: Mr.K.Kulandaivelu
Standing Counsel for R1 to R3

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to pay difference in gratuity, difference in Surrender Leave and difference in Commutation with 18% interest p.a till the date of payment, as per Wages Settlement No.C1/036966/2017 dated 04.01.2018.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner joined as Conductor in the Respondents Transport Corporation on 04.05.1985 and continued his service for 32 years and lastly, he was promoted as Checking Inspector on 24.02.2015 and he was retired on superannuation on 30.06.2017. At the time of retirement, he received the entire benefits and thereafter, he came to know that he is entitled for revision of all terminal benefits. The petitioner is entitled for revision of all terminal benefits under Settlement No.C1/036966/2017 dated 04.01.2018 and his basic pay + Grade Pay (Rs.15,350/- + Rs.2,600/-) from 31.08.2016 to 01.09.2016 to be revised as Rs.48,400/-. The respondents have to pay Gratuity amount of Rs.9,25,440/- instead of Rs.7,57,628/-, Surrender Leave amount of Rs.3,82,644 instead of Rs.3,30,955/- and Commutation amount of Rs.3,00,552/- instead of Rs.8,06,931/-. Accordingly, the petitioner made representations to the respondents on 04.03.2019 and 28.05.2019. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed for directing the respondents to pay difference in gratuity, difference in Surrender Leave and difference in Commutation with 18% interest p.a till the date of payment, as per Wages Settlement No.C1/036966/2017 dated 04.01.2018.

4. The learned counsel for the petitioner submitted that it would suffice if a direction is passed to the respondents to consider the representation of the petitioner dated 28.05.2019, within a reasonable time as fixed by this Court.

5. The learned counsel appearing for the respondents accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation dated 28.05.2019 was received by the respondents, the same will be considered on merits and in accordance with law.

6. Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 28.05.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, the writ petition stand disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
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Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.R.Anbalagan, Advocate Sr.89810

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pm[co]
srg 12/12/2019

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