

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26950 of 2019

G.Jeevanandam

...Petitioner

Vs

1.The Managing Director

Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.

2.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 order or direction in the nature of writ of Mandamus, directing the Respondents to pay difference in gratuity, difference in Pension Commutation, difference in Surrender Leave and due of Pension amount with 12% interest p.a. till the date of payment, as per Wages Settlement No.C1/066920/2014 dated 13.04.2015.

For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.A.Antony Arockiaraj

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the Respondents to pay difference in gratuity, difference in Pension Commutation, difference in Surrender Leave and due of Pension amount with 12% interest p.a. till the date of payment, as per Wages Settlement No.C1/066920/2014 dated 13.04.2015.

2. The case of the petitioner is that the petitioner has joined as Security Guard in the respondents Transport Corporation on 13.03.1987 and continued his service for 28 years

and then he retired on 31.01.2015 in Kanchipuram Division. At the time of retirement, he was received his salary, i.e., basic pay of Rs.12,510/- and Grade pay of Rs.2,200/-. The petitioner states that his retirement benefit of his gratuity and pension commutation are calculated as per his basic pay and grade pay as per his last drawn salary on 31.01.2015.

3. The learned counsel appearing for the petitioner would submit that as per Section 12(3) of the Industrial Disputes Act 1947, the Tamil Nadu Transport Corporation Employees wages have to be revised for every three years from the month of 1st September but the settlement is delayed and due to bargaining and settlement arrived on 13.04.2015 instead of 01.09.2013.

4. The learned counsel appearing for the petitioner would further submit that the petitioner has given various representations and also requested by letter under registered post dated 05.12.2017 and lastly on 30.07.2019 to the Respondents. However, none of the representation evoke any response. Since, the representation dated 30.07.2019, was not considered by the respondent, the petitioner filed this Writ Petition.

5. The learned counsel appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel for the respondents would submit that if the respondents is directed to consider the representation made by the petitioner, the same would be considered in accordance with law.

6. Without expressing any opinion on merits, I am inclined to issue a direction to the 2nd respondent to dispose of the Writ Petitioner's representation dated 30.07.2019 in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To

- 1.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
- 2.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.R.Anbalagan, Advocate Sr.77960
+1cc to Mr.A.Antony Arockiaraja, Advocate Sr.78045

W.P.No.26950 of 2019

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srg 21/10/2019