



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.10265 of 2019

A. Thangam

... Petitioner

Vs.

1.The Principal Secretary to Government of
Tamil Nadu,
Transport Department and
Chairman of Transport Corporation,
Fort. St. George, Chennai -9.

2.The Management of Tamil Nadu,
State Transport Corporation (Madurai) Limited,
rep. by its Managing Director,
Bye-Pass Road, Madurai -10.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 to provide the 4th review benefits to the petitioner with arrears of difference in salary payable to the petitioner and pay revised pension benefits as per the order of the 1st respondent in G.O(Ms).No.61 Transport (C) Department dated 30.04.2015.

For Petitioner : Mr. J. Lawrence

For R1 : Mrs. J. Padmavathi Devi
Special Government Pleader

For R2 to R4 : Mr. J. Senthil Kumaraiah

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 2 to 4 to provide the 4th review benefits to the petitioner with arrears of difference in salary payable to the petitioner and pay revised pension benefits as per the order of the 1st respondent in G.O(Ms).No.61 Transport (C) Department, dated 30.04.2015.

2. Mrs.J. Padmavathy Devi, learned Special Government Pleader takes notice for the first respondent and Mr. J. Senthil Kumaraiah, learned standing counsel takes notice for the respondents 2 to 4. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that earlier, for the very same relief, the petitioner filed a Writ Petition in W.P(MD).No.12282 of 2016, in which, this Court by order, dated 14.07.2016, directed the 1st respondent to consider the representation of the petitioner, dated 03.05.2016 in the light of the terms of the settlement, dated 22.01.2011 entered under Section 12(3) of Industrial Disputes Act, 1947. Pursuant to the said order, the first respondent, by proceeding dated 25.10.2016, stated that the petitioner was eligible to get 4th review benefits based on the settlement, dated 22.01.2011. Since the same has not been considered so far, the petitioner has filed the present petition.

4. The learned counsel appearing for the 1st respondent seeks two months time for considering the claim of the petitioner.

5. In such view of the matter, this Court, without going into the merits of the petitioner's case, directs the respondents to consider the claim of the petitioner, as per the settlement dated 22.01.2011 and also in the light of the G.O.Ms.NO.61, Transport (C1) Department, dated 30.04.2015 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

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To

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

+1CC TO MR.J.LAWRANCE, Advocate Sr. No.63300
+1CC TO MR.J.SENTHIL KUMARAI AH, Advocate Sr. No.63292
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.63347

W.P (MD) No.10265 of 2019
26.04.2019

MA (CO)
TR (22.05.2019) 3P 8C