



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14453 of 2019

K.Sarasuraj

...Petitioner

Vs

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai - 625016

2.The Administrator,
The Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay and pension in terms of settlement entered into under Section 12(3) of the ID Act dated 04.01.2018 and to pay arrears of salary and arrears of pension and to pay the difference amount of petitioner retirement benefit such as pension, gratuity, pension, commutation, provident fund, leave salary etc., along with 6% interest per annum within a stipulated period.

For Petitioner : Mr.C.Thangamani

For respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This Writ Petition has been filed for a direction to the respondents to revise the petitioner's pay and pension in terms of settlement entered into under Section 12(3) of the ID Act dated 04.01.2018 and to pay arrears of salary and arrears of pension and to pay the difference amount of petitioner's retirement benefit such as pension, gratuity, pension, commutation, provident fund, leave salary etc., along with 6% interest per annum, within the stipulated time to be fixed by this Court.



2. Mr.J.Senthil Kumaraiah, learned Standing counsel takes notice for the respondents.

3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. The case of the petitioner is that after completing 23 years of service in the respondents Corporation, he has retired from service on 31.05.2017 and thereafter, he applied for his retirement benefits to the respondents. In the meanwhile, there was a trilateral settlement entered in between the management, the Government and employees' representatives, under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018, refixing the salary of the employees with retrospective effect from 01.09.2016 and accordingly, the petitioner's retirement benefits have to be revised, for which, the petitioner has sent a representation dated 23.03.2019. As there was no response to the same, the petitioner has filed the present Writ Petition.

5. Though this petition has been filed for the larger relief, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents, to consider the representation of the petitioner, dated 23.03.2019.

6. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the respondents to consider the representation of the petitioner, dated 23.03.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner. If the petitioner finds to be eligible for revised payment, the same shall be disbursed to him within a period of two weeks thereafter.

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

Sd/-

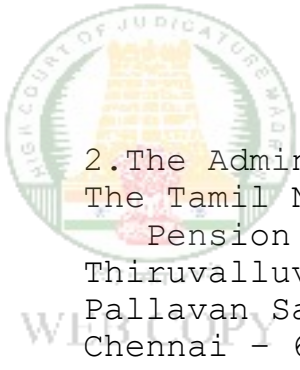
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai-625016.



2.The Administrator,
The Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.C.THANGAMANI, Advocate (SR-72353[F] dated 01/07/2019)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-72468[F] dated
01/07/2019)

W.P (MD) No.13907 of 2019
28.06.2019

trp
JM/29.07.2019/3P-5C