



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.2449 of 2019

A.Ponnudhurai

... Petitioner

Vs.

1.The Management of Tamil Nadu

State Transport Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

3.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 the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Reference No.TNSTC/KUMBA/SATTAM/L6/22584/2017, dated 08.02.2018, quash the same and consequently direct the respondents 1 and 2 to revise the petitioner's pay and grade pay in terms of Clause 5 of Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 notionally from 01.09.2010 and consequently direct the respondents to revise his pension based on the pay revision given in the settlement from the date of his retirement and to disburse the difference amounts in the pension together with interest at the rate of 18% per annum payable from date when it became due to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent, dated 08.02.2018 and for consequential benefits.



2. Though the prayer in this Writ Petition is for a Writ of Certiorarified Mandamus, the learned counsel appearing for the petitioner confines his prayer for settlement of the eligible amount due and payable and both the petitioner as well as the learned standing counsel appearing for the respondents submitted that in similar circumstances, this Court, by order, dated 17.09.2018 in W.P (MD) No.18191 of 2018, at paragraph Nos.8 and 9 held as follows:-

"8. Since the petitioner is eligible to earned leave surrender salary for a period of 15 days per year or 30 days once in two years, the benefits available to the employee may be sanctioned and if he is eligible, encash the amount due to him, may be extended to him and such payment can be made in six equal installments commencing from the month of December, 2018 and each installment shall be paid within 10th day of every Calendar month.

9. Accordingly, this Writ Petition is allowed. The impugned order is set aside. If the petitioner has got any accumulated Earned Leave in his credit, in terms of Settlement under Section 12(3) of the Industrial Disputes Act, 1947, the benefit of 15 days or 30 days surrender leave salary, as the case may be, needs to be extended to him, if there are no legal impediments to do so."

3. Following the same, the prayer of the petitioner be considered with and eligible benefits, if any, shall be paid within six equal monthly installments commencing from 05th June, 2019 and and each installment shall be paid within 10th day of every English Calendar month.

4. The Writ Petition stands disposed of in the above terms. No costs.

Sd/-
Assistant Registrar(CS-II)

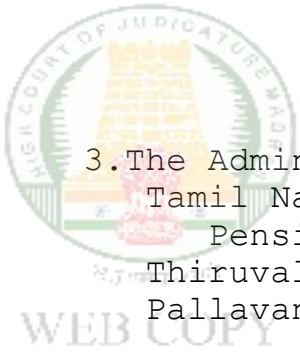
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Sub Assistant Registrar(CS)

To

1. The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

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



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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-49035[F] dated 22/02/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-49544[F] dated 25/02/2019)

W.P(MD)No.2449 of 2019

21.02.2019

SP/02/05/2019/3P/6C