



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM

WEB COPY

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

WP(MD)No.7193 of 2019

G.Palaniappan

... Petitioner

-vs-

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Karaikudi Region,
Represented by its General Manager,
Karaikudi.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the 1st respondent to pay the petitioner difference / arrears of wages for the period from 01.09.2016 to 30.09.2016, after revising his scale of pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and also to pay him difference in his terminal benefits namely Gratuity, Encashment of Leave and etc after revising the same based on such re-fixed scale of pay payable to him. On the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from October, 2016 based on such re-fixed scale of pay payable to him on the month of his retirement and pay him arrears of the same for the period from October, 2016, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

O R D E R

The petitioner seeks a Writ of Mandamus to direct the 1st respondent to pay him the difference / arrears of wages for the period from 01.09.2016 to 30.09.2016, after revising his scale of



pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and also to pay him the difference in the terminal benefits namely Gratuity, Encashment of Leave, etc.,.

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

3. The learned Counsel for the petitioner submitted that the petitioner retired from service on 30.09.2016. Claiming that his pensionary benefits have not been settled, he has approached this Court earlier and this Court by order dated 07.12.2016 in WP(MD) No.23751 of 2015 directed the respondents to settle the benefits in 12 equal monthly installments. However, the petitioner has not been paid the benefits by revising the pay. In this regard, the petitioner submitted a representation dated 21.12.2018 to the respondents and due to non-consideration of the same, the petitioner is before this Court.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner's representation would be considered on merits.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side, this Court, without going into the merits of the petitioner's case, directs the respondents, to consider the petitioner's representation dated 21.12.2018, on merits and in accordance with law and pass appropriate orders, after affording opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Karaikudi Region,
Karaikudi.



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

1 CC to M/s.D.SIVARAMAN, Advocate (SR-56991[F] dated 27/03/2019)

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-57719[F] dated
29/03/2019)

DSK

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KM/ (23.04.2019) 3P 5C