

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.02.2019****CORAM****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P(MD)No.21950 of 2015**

P.Subbaiya

... Petitioner

Vs.

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

2.The Management of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Pudukottai Region, Rep. by its General Manager, Pudukottai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to re-fix the scale of pay of the petitioner with effect from 01.03.2011 in the post of Superintendent after giving him annual increment from 01.02.2011 and to revise his terminal benefits, namely Gratuity and Leave Salary based on such scale of pay payable to him for the month of May, 2011 with basis pay of Rs12,320 with grade pay Rs.4,800/- and by counting his service period as 31 years and to pay the arrears of wages and terminal and pension benefits with 18% interest p.a.

|                |   |                      |
|----------------|---|----------------------|
| For Petitioner | : | Mr.R.Chandra sekaran |
| For RR 1 & 2   | : | Mr.D.Sivaraman       |
| For R - 3      | : | Mr.A.P.Muthu Pandian |

**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to re-fix the scale of pay of the petitioner with effect from 01.03.2011 in the post of Superintendent and other consequential reliefs.



2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The case of the petitioner is that even though his co-employees, who were working as 'Clerk-Trainees', were given gratuity, the respondents have refused to consider his service period ie., from 01.08.1980 to 31.07.1982, when he was working as 'Clerk-Trainee' for counting his service benefits. Hence, the petitioner has sent a representation to the respondents to revise his terminal benefits, namely gratuity and leave salary and other consequential reliefs. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4. The learned counsel appearing for the respondents 1 and 2 submitted that the claim of the petitioner would be considered, if he is found eligible.

5. In such view of the matter, if the petitioner is found eligible, the respondents are directed to consider the claim of the petitioner 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 four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

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

2. The Management of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Pudukottai Region, Rep. by its General Manager, Pudukottai.

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

+1cc to Mr. D. Sivaraman, Advocate in SR.No.50842

RR/03.05.2019/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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**28.02.2019**