



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 17962 of 2019

M.Kamaraj

: Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road, Madurai - 625 016.

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

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the respondents to refix petitioner pension by taking in to account of his 24 years of service as agreed upon by the respondents and to revise petitioner's Pay and Pension in terms of settlement entered into under Section 12(3) of the Industrial Disputes Act which was given effect to with effect from 01.09.2013 and consequently to pay arrears of salary and arrears of pension and to pay the difference amount of retirement benefits 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 seeking for a direction to the respondents to revise petitioner's Pay and Pension, with effect from 01.09.2013 and also sought consequential direction to the respondents to pay arrears of salary and arrears of pension and to pay the difference amount of retirement benefits along with 6% interest per annum, within the time stipulated by this Court.



2. The grievance of the petitioner is that he has entered into the service of the respondent/corporation as a Conductor (Apprentice) on 06.08.1985, subsequently, his service was confirmed w.e.f., 06.02.1987. He was voluntarily retired from service on 30.09.2013. The further grievance of the petitioner is that, a wage settlement was entered into between the Trade Unions and the Management of all State Transport Corporations w.e.f., 01.09.2013 and hence, the petitioner was entitled to get the revised pay and revised pension and arrears of pay and pension and the difference amount of his retirement benefits. He has made a representation, dated 03.07.2019, but no action was taken by the respondents. Hence, the instant writ petition is filed.

3. Though, this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner would submit that the petitioner will be satisfied, if a direction is issued to the first respondent, to consider the representation of the petitioner.

4. The learned standing counsel appearing for the respondents would submit that the representation of the petitioner will be considered on merits, within a specified time that may be fixed by this Court.

5. Having regard to the limited scope of the prayer, this Court, without expressing any opinion on the merits of the petitioner case, directs the first respondent to consider the petitioner representation, dated 03.07.2019 on merits and in accordance with law, within a period of Eight (8) Weeks, from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

+1 CC to M/s.C. THANGAMANI, Advocate SR-82364

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate SR-82693

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ksa

JM/17.09.2019/2P/3C

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