



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2020
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

**W.P(MD)No.16863 of 2012
and
M.P(MD)Nos.1 and 2 of 2012**

R.Nallathambi

.. Petitioner

Vs.

1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumabakonam Region,
rep. by its Managing Director,
Kumbakonam, Tanjavur District.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Annasalai, Chennai - 2. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to pay the petitioner EPF benefits with 16% interest by settling his EPF account and further directing respondents to pay him pension benefits under TNSTCEPF Rules with pension arrears from 01.06.2010 with 16% interest.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.K.Sathyasingh

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 1st respondent to pay the petitioner's EPF benefits with 16% interest by settling his EPF account and further direct the respondents to pay him pension benefits under TNSTCEPF Rules with pension arrears from 01.06.2010 with 16% interest.

2.The case of the petitioner is that he joined the services of the 1st respondent Transport Corporation as a permanent Conductor on 14.02.1978 and he was also given promotions as Senior Conductor and thereafter, as Selection Grade Conductor. While so, the 1st respondent dismissed him from service vide order dated 02.02.1999, against which, he raised an Industrial Dispute before the Labour Court, Cuddalore in I.D.No.174 of 1999 and the Labour Court, vide



award, dated 16.10.2003, set aside the order of dismissal and modified the same into punishment of increment cut for a period of 3 years with cumulative effect and also directed the 1st respondent to reinstate him in service with full backwages and continuity of service and other benefits. Against which, the 1st respondent filed W.P(MD)No.18870 of 2004 before this Court and this Court, vide order, dated 16.04.2010, modified the award by setting aside the portion of ordering backwages and confirming the remaining portion of the award. Since he attained the age of superannuation on 31.05.2010, he was not reinstated in service. In view of the order passed in the writ petition, he is entitled to get wages from 17.10.2003 till the date of retirement and all other terminal benefits such as E.P.F., Gratuity, benefit under Social Security Scheme, etc. The 1st respondent also settled only some of the terminal benefits with delay. He was a member in the P.F. Scheme and he is fully qualified and entitled to get pension. Since, the 1st respondent did not settle the remaining benefits, the petitioner has come up with the present writ petition.

3.Today when the matter came up for hearing, the learned counsel for the petitioner submitted that the respondents have settled all the terminal benefits, except the attendant benefits and the terminal benefits have to be revised, for which, the petitioner shall make a fresh representation to the respondents and if the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4.The learned counsel appearing for the respondents submitted that if such a representation is made, the same shall be considered by the respondents.

5.In view of the submissions made on either side, without advertng to the merits of the petitioner's claim, this Court directs the petitioner to submit a detailed representation seeking eligible attendant benefits and to revise the terminal benefits, to the respondents along with a copy of this order and the same shall be considered by the respondents within a period of eight weeks from the date of receipt of such representation.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Managing Director,
Management of Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumabakonam Region,
Kumbakonam,
Tanjavur District.

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

+1 CC to M/s.K.SATHIYASINGH, Advocate (SR-6276[F] dated
14/02/2020)

ORDER MADE IN
W.P (MD) No.16863 of 2012
13.02.2020

smn

SDS (04.03.2020) 3P-4C