



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5903 of 2020

WEB COPY

S.P.Raja

... 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 - 2

... Respondents

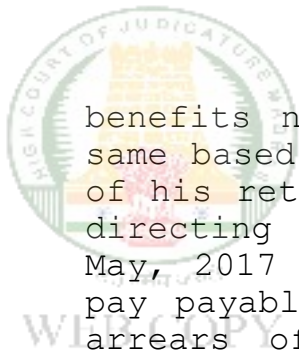
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent to revise the scale of pay of the petitioner w.e.f. 01.09.16, based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.16 to 30.04.17 and also the difference in his terminal benefits namely gratuity, encashment of leave, after revising the same based on such refixed 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 May, 2017 and pension commutation, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from May, 2017 and pension commutation, 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.P.Balasubramanian

O R D E R

This Writ petition has been filed for a direction to the first respondent to revise the scale of pay of the petitioner w.e.f. 01.09.16, based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.16 to 30.04.17 and also the difference in his terminal



benefits namely gratuity, encashment of leave, 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 May, 2017 and pension commutation, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from May, 2017 and pension commutation, together with 18% interest per annum within a time frame as may be fixed by this Court.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner was appointed as Conductor in the respondents Corporation from 24.05.1986. After completion of 31 years of service, finally, he was promoted as Checking Inspector and retired from service on 30.04.2017 on attaining the age of superannuation. According to the petitioner, his scale of pay should be re-fixed with effect from 01.09.2016 based on the new settlement dated 04.01.2018. Hence, he made a representation, dated 15.10.2019 to the respondents. Since no action has been taken by the respondents, the petitioner is before this Court.

4.Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

5.Considering the limited scope of prayer sought for in the Writ petition and without advertting to the merits of the case, the respondents are directed to consider the representation of the petitioner, dated 15.10.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation, dated 15.10.2019 along with the copy of this order to the respondents.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa



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
Anna Salai, Chennai - 2

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-12882[F] dated
23/03/2020)

W.P. (MD) No.5903 of 2020
23.03.2020

AP(27/05/2020) 3P 4C