



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9662 of 2020

T.R.Sivanath

... Petitioner

Vs.

1)The Managing Director,
Tamil Nadu State Transport Corporation(KUM) Ltd.,
New Railway Station Road,
Kumbakonam,
Thanjavur District 612 001

2)The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Sivagangai District.

3)The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 2

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioner's difference commutation amount of Rs.5,00,000/- together with interest at the rate of 18% per annum payable from 31.01.2017 the date of the retirement of the petitioner to till the date of actual payment.

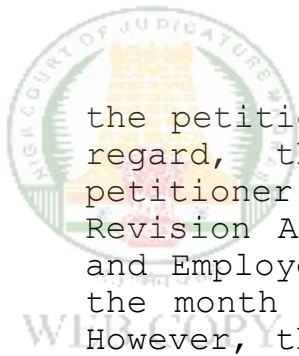
For Petitioner : Mr.K.Gokul

For RR 1 & 2 : Mr.P.M.Vishnuvarthanan,
Standing Counsel

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, seeking for a direction to the respondents to settle the petitioner's difference commutation amount of Rs.5,00,000/- together with interest at the rate of 18% per annum payable from 31.01.2017, the date of the retirement of the petitioner to till the date of actual payment.

2. The petitioner, having worked for several years at the respondent Transport Corporation as Selection Grade Trades Man, retired from service on 31.01.2017 on superannuation. On retirement,



the petitioner had been given retirement benefits. However, in this regard, the grievance of the petitioner is that, since the petitioner retired on 31.01.2017 and after his retirement, some Wage Revision Agreement seems to have been reached between the Employer and Employees Union, under which, those who had been working during the month of September 2016 would be entitled to get revised pay. However, the said benefit was not given to the petitioner, because, before such a Pay Revision Agreement was reached between the Employer and Employee, the petitioner had retired from service.

3. Therefore, in this regard, the petitioner has given a representation on 17.06.2020 to calculate the revised pay, as per the pay revision, for which the petitioner is entitled to from the month of September 2016 and the learned counsel appearing for the petitioner would submit that, if the said representation of the petitioner is decided on merits by the respondents and an order to that effect is passed, regarding the entitlement and payment of arrears of revised pay, the petitioner would be satisfied.

4. Mr.P.M.Vishnuvarthanan, learned standing counsel, takes notice for respondents 1 & 2, who would submit that, the request of the petitioner and similarly placed persons have already been forwarded to the third respondent/ Fund Trust and after receiving a nod, thereafter, suitable decision would be taken by the respondents 1 and 2 on the representation of the petitioner, dated 17.06.2020.

5. Having regard to the said submission made by the learned counsel appearing for both the parties and after having considered the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"that the respondents are hereby directed to consider the representation of the petitioner, dated 17.06.2020 and in this regard, if any proposal has already been received by the third respondent, he shall also consider the same and forward their decision to the first and second respondents, who on receipt of the same shall decide and dispose of the representation of the petitioner, dated 17.06.2020 on merits and in accordance with law within a outer limit of four months from the date of receipt of a copy of this order."

6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

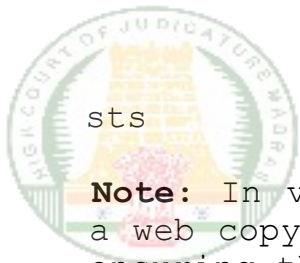
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
New Railway Station Road,
Kumbakonam, Thanjavur District 612 001
- 2) The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Sivagangai District.

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-14568[F] dated 20/08/2020)

Order made in
W.P. (MD) No. 9662 of 2020

SPU (02.09.2020) 3P 4C