



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12589 of 2020
(Through Video Conferencing)

K.Ponnusamy

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

3.The Administrator
Tamil Nadu State Transport
Corporation 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 to direct the respondents to revise the petitioner's scale of pay with effect from 01.09.2016 as per clause 1, 2 of the settlement under section 12(3) of the I.D. Act dated 04.01.2018 by multiplying with factor 2.44 with revised Dearness allowance and consequently direct the respondents to pay him difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension arrears payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.P.Balasubramanian
standing counsel



ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the respondents to revise the petitioner's scale of pay with effect from 01.09.2016 as per clause 1 & 2 of the settlement under section 12(3) of the I.D. Act dated 04.01.2018 by multiplying with factor 2.44 with revised Dearness allowance and consequently direct the respondents to pay him difference of pay in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension arrears payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to him.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The petitioner was working as a Conductor for several years at the respondent Transport Corporation and on superannuation retired from service on 30.04.2017. Thereafter, on 04.01.2018, some wage settlement reached between the employer and employees, which was taken place subsequent to the retirement of the petitioner under Section 12(3) of the ID Act. According to the settlement, from 01.09.2016, the pay revision was accepted and effected, therefore, the difference of pay for the petitioner from 01.09.2016 till his superannuation ie., on 30.04.2017 should have been calculated and be paid. However, the same has not been done and hence, the petitioner has given a representation on 29.02.2020. Since the said representation has not been considered, the petitioner is before this Court.

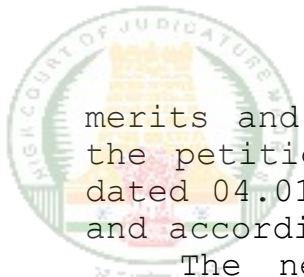
4. Reiterating the said facts, the learned counsel for the petitioner would submit that, if a direction is given to the respondents to consider the representation of the petitioner within a time frame on merits, the petitioner would be satisfied.

5. Heard the learned standing counsel for the respondents, who would submit that, the said request of the petitioner dated 29.02.2020 would be considered on merits and in accordance with law within a time frame and orders to that effect would be passed.

6. I have considered the said submissions made by the learned counsel for both sides.

7. Since number of cases of this nature have already been decided by this Court, where, directions have been given and in view of the innocuous prayer sought for by the petitioner, this Court is inclined to dispose of this writ petition with the following direction:

"That the respondents are hereby directed to consider the representation of the petitioner dated 29.02.2020 and pass orders on



merits and in accordance with law with regard to the grievance of the petitioner to revise his pay pursuant to the 12(3) settlement dated 04.01.2018 with effect from 01.09.2016 till his superannuation and accordingly pay the difference of pay within a time frame.

The needful as indicated above shall be undertaken by the respondents within a period of three months from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

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MJ (CO)

NR (08/01/2020) 3P : 1C