



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.12680 of 2020
(Through Video Conferencing)

P.S.Sankar

... Petitioner

Vs.

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

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

3.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

... Respondents

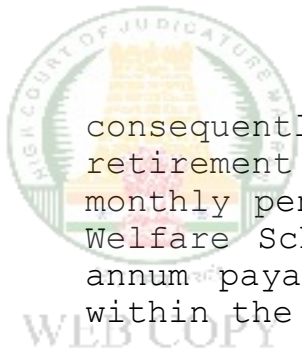
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his monthly pension, gratuity, earned leave salary and Post Retirement Welfare Scheme amount to him with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Rajamohan
standing counsel

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and



consequently directing the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his monthly pension, gratuity, earned leave salary and Post Retirement Welfare Scheme amount to him with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

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 31.01.2018. 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 31.01.2018 should have been calculated and repaid. However, the same has not been done and hence, the petitioner has given a representation on 25.08.2020. 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 25.08.2020 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 25.08.2020 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(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Arul

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,
Management of Tamil Nadu
State Transport Corporation
(Tirunelveli) Limited, Tirunelveli.

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

+1 CC to Mr.R.RAJAMOHAN, Advocate SR.No. 18196

W.P. (MD)No.12680 of 2020
25.09.2020

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