



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)Nos.12913 and 12928 of 2020

(Through Video Conferencing)

WEB COPY

P.Periyasamy	...	Petitioner in W.P. 12913 of 2020
S.Velu	...	Petitioner in W.P. 12928 of 2020

Vs.

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

2.The General Manager,
The 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 - 2. ... Respondents in both petitions

PRAYER in W.P.(MD) No.12913 of 2020 : 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 salary as per 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 to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment with the time limit that may be fixed by this Court.

PRAYER in W.P.(MD) No.12928 of 2020 : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to calculate and forthwith pay the petitioner's difference amount in gratuity, leave salary and monthly pension based on salary payable to the petitioner on the date of the date of his superannuation as per wage revision settlement entered under Section 12(3) of the ID Act dated 04.01.2018 and to pay him the difference amounts in gratuity, leave salary and monthly pension from the date of his retirement with



interest at the rate of 18% per annum.

In both petitions

For Petitioners

: Mr.A.Rahul

For Respondents

: Mr.R.Rajamohan,
Standing counsel

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COMMON ORDER

Since the issue raised in both the writ petitions are one and the same, with the consent of the learned counsel for the parties, both the writ petitions were heard together and are being disposed of by this common order.

2. The petitioner in W.P.(MD) No.12913 of 2020 was working as Traffic Inspector and the petitioner in W.P.(MD) No.12928 of 2020 was working as Checking Inspector and they were working for several years at the respondent Transport Corporation and on superannuation retired from service on 31.11.2017 and 31.12.2017 respectively. Thereafter, on 04.01.2018, some wage settlement reached between the employer and employees, which was taken place subsequent to the retirement of the petitioners 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 petitioners from 01.09.2016 till their superannuation ie., on 31.11.2017 and 31.12.2017 should have been calculated and paid. However, the same has not been done and hence, the petitioners have given separate representations on 20.06.2020 and 08.07.2020 respectively. Since the said representations have not been considered, the petitioners are before this Court.

3. Reiterating the same facts, the learned counsel for the petitioners would submit that, if a direction is given to the respondents to consider the representations of the petitioners within a time frame on merits, the petitioners would be satisfied.

4. Heard the learned standing counsel for the respondents, who would submit that, the said request of the petitioner dated 20.06.2020 and 08.07.2020 would be considered on merits and in accordance with law within a time frame and orders to that effect would be passed.

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

6. 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 petitioners, this Court is inclined to dispose of these writ petitions with the following direction:

<https://hcservices.ecourts.gov.in/hcservices/>



"That the respondents are hereby directed to consider the representations of the petitioners dated 20.06.2020 and 08.07.2020 and pass orders on merits and in accordance with law with regard to the grievance of the petitioners to revise their 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."

7. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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,
The 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 - 2.

+2 CC to M/s A.Rahul ,Advocate,in SR.No.18808 & 18809.

+2 CC to M/s R.Rajamohan,,Advocate,in SR.No.18316 & 18317.

W.P. (MD)Nos.12913 and 12928 of 2020

29.09.2020

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