



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.17864 of 2020

S.Sankaran

... Petitioner

Vs.

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

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

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct 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 gratuity, commutation and to disburse 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.Rajmohan
	Standing Counsel



O R D E R

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

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2.The writ petition has been filed to direct 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 to direct the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his gratuity, commutation and to disburse 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.

3.The learned counsel appearing for the petitioner would submit that the petitioner joined the service in the first respondent corporation as Conductor with effect from 03.03.1993. After rendering 21 years of service, he retired from the post of Selection Grade Conductor with effect from 31.05.2017. Subsequently, by settlement dated 04.01.2018, the pay of the petitioner has to be revised from 01.09.2016. This benefit is not taken for calculation for the settlement of terminal benefits of the petitioner. Therefore, the petitioner made a representation dated 23.12.2019 requesting the respondents to pay the difference in gratuity and commutation as per the settlement dated 04.01.2018. However, the respondents have not taken any steps to pass orders on the representation of the petitioner. Hence, without any other options, the petitioner approached this Court by way of this writ petition for appropriate reliefs.

4.The learned Standing Counsel appearing for the respondents would fairly submit that the representation of the petitioner dated 23.12.2019 will be considered on merits and in accordance with law.

5.Though the petitioner made a representation on 23.12.2019 requesting the respondents to pay the difference in gratuity and commutation as per the settlement dated 04.01.2018, the respondents have not taken any steps till date. It appears that there is a considerable delay in decision making process on the part of the respondents. Therefore, this Court directs the second respondent to dispose of the petitioner's representation dated 23.12.2019 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law and to pay the eligible amount to the petitioner within a period of five weeks thereafter.



6. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (A.E)

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/ /2020

Sub Assistant Registrar(CS)

cp

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) Ltd.,
Tirunelveli.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1 CC to Mr.A.RAHUL, Advocate (SR-24498[F] dated 08/12/2020)
+1 CC to Mr.R.RAJAMOHAN, Advocate (SR-24822[F] dated 10/12/2020)

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08.12.2020

KVN(CO)
CS(23.12.2020) 3P 6C