



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.15455 of 2020

WEB COPY

T.Anbalagan

... Petitioner

Vs.

1.The Management of Tamil Nadu

State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,

The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

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 disburse difference amount in Petitioner's commutation with interest at the rate of 18% per annum payable from 01.01.2017 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.P.M.Vishnuvarthanan
R1 & 2 Standing Counsel

O R D E R

This 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 disburse difference amount in commutation with interest at the rate of 18% per annum payable from 01.01.2017 to till the date of actual payment within the time limit that may be fixed by this Court.



2.It is the case of the petitioner that he was retired from service on 31.12.2016. At the time of retirement, he has received a sum of Rs.2,70,000/-. It is the further case of the petitioner that a settlement under Section 12(3) of the I.D Act was entered into between the first respondent Management and Trade Unions on 04.01.2018. In view of wage revision extended from 01.09.2016 to all employees of the Transport Corporation, he is entitled to get difference amount in commutation which works out to Rs.4,53,000/-. According to the petitioner, his pension was revised from Rs.15,540/- to Rs.15,757/- from September 2019. The difference in retirement benefits such as difference in commutation and pension arrears from 01.01.2017 have not been disbursed. Therefore, he made a representation dated 10.10.2020 to the respondents requesting them to pay the difference in commutation. After receipt of the representation, the respondents have not taken any action so far. Therefore, the petitioner requested this Court to pass appropriate order to dispose of the representation so as to enable him to get commutation and other benefits.

3.On the other hand, the learned Standing Counsel appearing for the respondents 1 and 2 would fairly submit that as per the revised scale of pay, the petitioner is entitled for the additional amount of commutation in terms of 12(3) settlement dated 04.01.2018. However, whether the petitioner is entitled for a sum of Rs.4,53,000/- or not, has to be ascertained on the basis of the calculation to be arrived at by the respondents and thereafter, the calculated amount will be paid to the petitioner.

4.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to dispose of the petitioner's representation dated 10.10.2020 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and the commutation amount arrived at by the respondents shall be paid within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



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.

+1 CC to Mr.A.RAHUL, Advocate (SR-21425[F] dated 06/11/2020)

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