



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.15280 of 2020

N.Thiyagarajan

... Petitioner

Vs.

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
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 leave salary 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 R-1 and R-2 : Mr.P.M.Vishnu Varathan
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 directing the respondents to revise



and re-fix his retirement benefits and to disburse difference amounts in his gratuity, commutation and leave salary 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.

WEB COPY

2.The contention of the petitioner is that he was retired from service on 30.04.2017. After his retirement, a settlement under Section 12(3) of the I.D Act was entered between the first respondent Management and Trade Unions on 04.01.2018. Subsequent to the 12(3) settlement, the salary of the petitioner has not been revised. Therefore, he has made a representation before the respondents requesting them to pay the difference in gratuity, difference in commutation and difference in leave salary with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment. However, the respondents have not taken any steps till date. Therefore, he approaches this Court to pass appropriate orders.

3.Mr.P.M.Vishnu Varathanan, learned Standing Counsel, who takes notice for the respondents 1 and 2, would submit that the petitioner's representation dated 03.10.2020 will be considered within a period of eight weeks on merits and in accordance with law.

4.In view of the submission made by the learned counsel appearing on either side, this Court directs the respondents to dispose of the petitioner's representation dated 03.10.2020 within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law and to pay the amount arrived, while disposing of the representation, to the petitioner within a period of two months thereafter.

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

Sd/-

Assistant Registrar (CS-II)

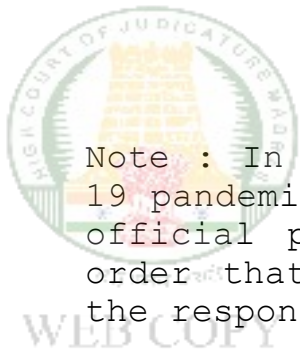
// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

<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.

To:-

1.The Managing Director, Management of Tamil Nadu,
State Transport Corporation (KUM) Ltd.,
Kumbakonam.

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

+1 CC to Mr.P.M. VISHNUVARTHANAN, Advocate (SR-21199[F] dated
04/11/2020)

+1 CC to Mr.A.RAHUL, Advocate (SR-21219[F] dated 05/11/2020)

W.P.[MD]No.15280 of 2020
04.11.2020

CK(CO)
KM (20.11.2020) 3P 5C