



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.11.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.16198 of 2020

A.Sathiyamoorthi

...Petitioner

Vs

1.The Management of State Express Transport Corporation
(Tamilnadu) Ltd.,
represented by its Managing Director,
Chennai.

2.The General Manager,
The State Express Transport Corporation
(Tamilnadu) Ltd.,
Pallavan Salai,
Chennai.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a 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 leave salary and commutation 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

ORDER

This Writ Petition has been filed to direct the respondents to revise the petitioner's scale of pay with retrospective effect from 01.09.2016, to direct the respondents to revise and re-fix the petitioner's retirement benefits and to disburse the difference amounts in his gratuity leave salary and commutation to



him with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment.

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

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3.It is the grievance of the petitioner that he was working as Selection Grade Driver in the respondent Corporation and on attaining the age of superannuation, he was retired from service on 30.11.2016. As per the settlement entered between the 1st respondent and the Trade Unions dated 04.01.2018, the petitioner's scale of pay has to be revised from 01.09.2016, but the same has not been revised by the respondents till date. Therefore, the petitioner has made a representation dated 24.02.2020 before the respondents seeking to pay the difference amount in gratuity, commutation and etc., However, the petitioner's representation has not been considered by the respondents so far. Hence, the present writ petition.

4.In reply, the learned standing counsel appearing for the respondents would fairly submit that the petitioner's representation dated 24.02.2020 will be disposed of on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Recording the submission made by the learned standing counsel and in view of the lapse on the part of the respondents on considering the petitioner's representation, this Court is inclined to pass the following directions:-

i) the respondents are directed to consider the petitioner's representation dated 24.02.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order;

ii) if any amount is arrived at with regard to the petitioner's claim by the respondents, the same shall be paid to the petitioner within a period of eight weeks therefrom;

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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.

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Chennai.

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+1 CC to Mr.R.RAJA MOHAN, Advocate (SR-22144[F] dated 19/11/2020)

+1 CC to Mr.A.RAHUL, Advocate (SR-22163[F] dated 19/11/2020)

W.P. (MD) No.16198 of 2020
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