



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.19167 of 2020

S.Thirugnana Sundaram

... Petitioner

Vs.

1. The Management of State Express Transport
Corporation (Tamil Nadu) Limited,
Rep by its Managing Director,
Pallavansalai,
Chennai.

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

... Respondents

PRAYER : This Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing 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 pension arrears from 01.09.2016 to 31.08.2019 and difference amounts in his gratuity, leave salary to him with interest at the rate of 18% per annum payable from 01.11.2016 till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner	: Mr.A.Rahul
For Respondent No.1	: Mr.R.Rajmohan Standing Counsel
For Respondent No.2	: Mr.P.Balasubramanian

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.

2.The writ petition has been filed to direct the respondents to revise the petitioner's pay as per the settlement under Section 12

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



(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 pension arrears from 01.09.2016 to 31.08.2019 and difference amounts in his gratuity, leave salary to him with interest at the rate of 18% per annum payable from 01.11.2016 till the date of actual payment within the time limit that may be fixed by this Court.

3.The learned counsel for the petitioner would submit that the petitioner was retired from service on 31.10.2016 from the post of Selection Grade Tradesman. Subsequent to the settlement arrived on 04.01.2018, the petitioner's pay has to be revised with effect from 01.09.2016. This benefit has not taken for calculation for the settlement of terminal benefits of the petitioner. Therefore, the petitioner made a representation on 11.08.2020 requesting the respondents to pay the difference in gratuity, leave salary and pension arrears as per the settlement dated 04.01.2018. However, the said representation has not been considered so far. Hence, without any other options, the petitioner approaches this Court by way of writ petition for appropriate relief.

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

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to consider the petitioner's representation dated 11.08.2020 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 State Express Transport
Corporation (Tamil Nadu) Limited,

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Pallavansalai,
Chennai.

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

+1cc to Mr.A.Rahul, Advocate, SR.No.27377.

+1cc to R.Rajamohan, Advocate, SR.No.29122.

+1cc to P.Balasubramanian, Advocate, SR.No.27186.

W.P.[MD]No.19167 of 2020
23.12.2020

SGS (CO)
CS (08.01.2021) 3P 6C