

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5584 of 2021

R.Manickam

... Petitioner

Vs.

1. Tamilnadu State Transport Corporation (Villupuram) Ltd., rep. by its Managing Director, 3/137, Salamedu, Villupuram - 605 401.
2. The General Manager, Tamilnadu State Transport Corporation (Villupuram) Ltd., 3/137, Salamedu, Villupuram - 605 401.
3. Tamilnadu State Transport Corporation Employees' Pension Fund Trust, rep. by its Administrator, Thiruvalluvar Illam, Pallavan Salai, Chennai 600 002. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents 1 to 3, to pay the Petitioner the difference in salary for the period from 01.11.2011 to 30.06.2016 as per the pay fixation given to the Petitioner by the proceedings No.3145/WA5/TNSTC(V)/16, dated 24.08.2016 as entered in pages 9 and 19 of the Petitioner's Service Register, with employer & employee contribution of PF, to revise & pay him the difference in Gratuity, PF, Earned Leave Salary and the revised monthly pension w.e.f. 01.07.2016, with arrears, based on the basic pay and Grade pay arrived as on 30.06.2016 as per the pay fixation given to the Petitioner at Page Nos.9 and 19 of his SR and based on the corresponding HRA, CCA, together with interest at the rate of 12% per annum.

For Petitioner : Mr.V.Ajay Khose

For Respondents : Mr.C.S.K.Sathish

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 3, to pay him the difference in salary for the period from 01.11.2011 to 30.06.2016 as per the pay fixation given to him vide proceedings No.3145/WA5/TNSTC(V)/16, dated 24.08.2016 as entered in pages 9 and 19 of his Service Register, with employer and employee contribution of PF, to revise and pay him the difference in Gratuity, PF, Earned Leave Salary and the revised monthly pension w.e.f. 01.07.2016, with arrears, based on the basic pay and Grade pay arrived as on 30.06.2016 as per the pay fixation given to him, and based on the corresponding HRA, CCA, together with interest at the rate of 12% per annum.

2. According to the Petitioner, the action of the Respondents in refusing to pay him arrears for the period from 01.11.2011 to 30.06.2016 and refusing to settle him revised terminal benefits, is contrary and violative of the entries made by them in his Service Register. In respect of his grievance, the Petitioner preferred an Appeal under the RTI Act on 11.09.2019.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the 1st Respondent herein to consider the Appeal dated 11.09.2019 preferred by the Petitioner, if not already disposed of, in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of sixty days from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of his Appeal and a copy of this order to the 1st Respondent, forthwith. The 1st Respondent is directed to communicate the decision taken on the representation, to the Petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that there is no need for the parties to file a Contempt Petition after expiry of the specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are

unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that, they are not aware of the order of this Court.

With the above direction and observation, this Writ Petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram - 605 401.
2. The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram - 605 401.
3. The Administrator,
Tamilnadu State Transport
Corporation Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.

+1cc to M/s.V.Ajay Khose Advocate Sr.21334

+1cc to M/s.C.S.K.Sathish Advocate Sr.21670

PL(CO)

RPI 04/05/2021

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