

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.8258, 8260 & 8263 of 2021

N. Pandian ... Petitioner
in W.P.No.8258 of 2021

V.S.Subramaniam ... Petitioner
in W.P.No.8260 of 2021

N. Lakshmanan ... Petitioner
in W.P.No.8263 of 2021

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram Ltd.,)
3/137, Salamedu, Valuthareddy,
Post Box No.56,
Villupuram 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan salai,
Chennai 600 002.

.... Respondents
in all W.Ps

Common Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to revise the petitioners pay as per the settlement u/s.12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently direct the respondents to revise and re-fix the petitioners retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned 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 by the respondents, within the stipulated time to be fixed by this Court.

For Petitioners : Mr.SP.Vijay Nivas
in all WPs

For Respondents : Mr.K. Kathiresan
in all Wps

C O M M O N O R D E R

These writ petitions have been filed to direct the respondents to revise the petitioner's pay as per the settlement u/s.12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently direct the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned 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 by the respondents, within the stipulated time to be fixed by this Court.

2. Mr.K.Kathiresan, learned counsel takes notice for respondents. By consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

3. For the sake of brevity, the facts are being taken up from W.P.No.8258 of 2021, wherein it is averred as follows:

i) The case of the petitioner is that after completing 26 years of service in the respondent Corporation, he has retired from service on 31.05.2017 and thereafter, he applied for his retirement benefits to the respondents. In the meanwhile, there was a trilateral settlement entered into between the Management, the Government and employees' representatives under Section 12 (3) of the Industrial Dispute Act 1947, dated 04.01.2018 to revise the salary of the employees with retrospective effect from 01.09.2016 and accordingly the petitioner's retirement benefits have to be revised, for which, the petitioner has sent a representation dated 10.03.2021. As there was no response on the same, the petitioner has filed the present writ petition.

4. Learned counsel for the Petitioners pointed out that, similarly placed persons have approached this Court in W.P(MD). No.13905 of 2019 and this Court, by an order dated 20.06.2019, disposed of the said Writ Petition, directing the respondents to consider the representation of the petitioner therein within four weeks. Therefore, it is prayed by the learned counsel for the Petitioners that, the Petitioners herein may also be granted the similar relief, which has been granted in the above Writ Petition.

5. Following the order passed by this Court in WP(MD). No.13905 of 2019 dated 20.06.2019 and taking into account the fact that the petitioners representation dated 10.03.2021 is pending with the respondents the writ petition is disposed of with the following directions.

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioners dated 10.03.2021 if the petitioners are found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order. In case the petitioners are found to be eligible for the revised payment, the amount including the arrears shall be disbursed to them within a period of one month thereafter. It is needless to mention that in the event if the petitioners are not eligible, communication shall be forwarded to the petitioners within two weeks in order to enable them to question the same in accordance with law.

ii) In case the petitioners are unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fails to appear or file a written submission in time, the first respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.03.2021 and this order, to the first respondent forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the

petitioners, later on, will not take a plea that the petitioners are not aware of the order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Managing Director,
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(Villupuram Ltd.,)
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2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan salai,
Chennai 600 002.

+3ccs to Mr. SP.Vijay Nivas, Advocate SR.No. 20754, 20755, 20756
+1cc to Mr.K.Kathiresan, Advocate SR.No. 21359

W.P.Nos.8258, 8260 & 8263 of 2021

GPL (CO)
A.SK(13.07.2021)

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