



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2021

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No.9900 of 2021

S.David Raj

... Petitioner

-vs-

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

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a 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 difference amounts in his gratuity and leave salary to him with interest at the rate of 18% per annum payable from 01.07.2017 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. D. Sivaraman

Standing counsel

ORDER

(through video conference)

Heard Mr. A. Rahul, Learned Counsel for the Petitioner and Mr. D. Sivaraman, Learned Standing Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who has retired from service of the Respondents, has filed this Writ Petition for directing to revise his pay with retrospective effect from 01.09.2016 as per the Settlement dated 04.01.2018 under Section 12(3) of the Industrial Disputes Act, 1947, and consequently re-fix his retirement benefits and pay the difference with interest. It is represented by the



Learned Counsel for the Petitioner that though larger relief has been sought, the Petitioner would be satisfied if the representation dated 18.02.2021 made by the Petitioner to the Respondents in that regard is disposed within a time limit stipulated by this Court.

3. Learned Standing Counsel for the Respondents submits that due to prevalent COVID pandemic, the Respondents are facing financial constraints and is not in a position to make immediate payment of the entire amount that may be found payable and informs that the same would be paid in installments.

4. Having regard to the aforesaid submissions made by Learned Counsel for both sides, this Court without expressing any view on the correctness or entitlement of the claim made, passes the following order:-

- (i) the concerned authority of the Respondents shall immediately consider the representation dated 18.02.2021 made by the Petitioner;
- (ii) if it is found that the Petitioner has not satisfied with the prescribed requirements or eligibility criteria for extending the benefits claimed, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 10 working days;
- (iii) in the event of concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (iv) the concerned authority of the Respondents shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the Petitioner by 30.09.2021 under written acknowledgment;
- (v) if the Petitioner is entitled to the claim made, it shall be ensured that the eligible amount is paid in four monthly installments from the date of passing of that order; and
- (vi) report of compliance in that regard shall be filed before the Registrar (Judicial) of this Court without fail.

5. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



das/SRM

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.

WEB COPY

To

- 1.The Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.RAHUL, Advocate (SR-19194[F]
dated 11/06/2021)

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09.06.2021

KB(08.07.2021) 3P 5C