



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.11310 of 2021

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G.Kamaraj

... Petitioner

vs.

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

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

3.The Administrator,
Tamil Nadu 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 for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the Settlement under Section 12(3) of the Industrial Disputes 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 01.02.2017 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 01.02.2017 till the date of actual payment.

For Petitioner : Mr.A.Rahul

For RR 1 & 2 : Mr.D.Sivaraman
Standing Counsel

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to revise his pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and further direct the



respondents to revise and re-fix his retirement benefits and disburse pension arrears from 01.02.2017 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 01.02.2017 till the date of actual payment.

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2.The petitioner joined the first respondent Corporation as Conductor with effect from 20.05.1986 and after periodical promotion, reached the level of Checking Inspector and retired from service on 31.01.2017. Thereafter, he made a representation to the respondents on 07.04.2021, seeking to revise his pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and to re-fix his retirement benefits and to disburse pension arrears from 01.02.2017 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 01.02.2017 till the date of actual payment. Since no orders have been passed on the said representation, the petitioner has come to this Court with this Writ Petition.

3.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 & 2.

4.Considering the submissions of the learned counsel for the petitioner as well as the respondents 1 and 2, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 07.04.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
The Management of Tamil Nadu,
State Transport Corporation
(Villupuram) Limited,
Villupuram.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
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Chennai - 2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-21841[F] dated 09/07/2021)

W.P (MD) No.11310 of 2021

08.07.2021

RD(19.07.2021) 3P 5C