



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.11419 of 2021

K.Sundararajan

... Petitioner

-Vs-

1.The Management of Tamilnadu,
State Transport Corporation
(Villupuram) ltd.,
Represented by its Managing Director,Villupuram.

2.The General Manager,
The Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region,Cuddalore.

3.The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

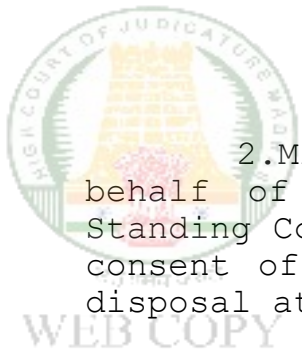
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 01.02.2017 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 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
Standing Counsel
For R3 : Mr.A.Swaminathan
Standing Counsel

ORDER

This Writ Petition is filed to direct the respondents to revise and re-fix the petitioner's 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 to till the date of actual payment within the time limit that may be fixed by this Court.



2. Mr.D.Sivaraman, learned Standing Counsel takes notice on behalf of the respondents 1 & 2 and Mr.A.Swaminathan, learned Standing Counsel takes notice on behalf of the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Though the petitioner has come out with the present writ petition to revise his pay as per the Settlement under Section 12(3) of the Industrial Dispute Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and refix his retirement benefits and to disburse pension arrears from 01.02.2017 to 31.08.2019, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that if a direction is issued to the respondents to consider the representation of the petitioner, dated 07.04.2021, it would suffice.

4. Mr.D.Sivaraman, learned Standing counsel appearing for the respondents 1 & 2 submitted that the representation of the petitioner will be considered within the time to be stipulated by this Court.

5. Considering the facts and circumstances of the case and also considering the nature of relief sought for by the petitioner in the writ petition, without going into the merits of the matter, it is suffice to direct the respondents 2 & 3 to consider the representation of the petitioner, dated 07.04.2021 and pass orders on merits and in accordance with law, as expeditiously as possible.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (cs-II)

// 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
The Management of Tamilnadu,
State Transport Corporation
(Villupuram) ltd., Villupuram.

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



2.The General Manager,
The Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region,Cuddalore.

3.The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

+1 CC to M/s.A.RAHUL, Advocate (SR-21885[F] dated 09/07/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-21987[F] dated 09/07/2021)

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RD(19.07.2021) 3P 6C