



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESEVALU

W.P. (MD) No. 12869 of 2021

WEB COPY

N.Rajasekaran

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
27, New Railway Station Road,
Kumbakonam - 612 001.
2. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Kumbakonam Region,
27, New Railway Station Road,
Kumbakonam - 612 001.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ or order or direction in the nature of Writ and consequently direct the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pension Arrears and to revise pension on the basis of 12(3) Settlement.

For Petitioner: Mr. K.Gokul

For R1 & R2 : Mr. P.Balasubramanian, Standing Counsel

For R3 : Mr. A.Swaminathan, Standing Counsel

O R D E R
(through video conference)

Heard Mr. K.Gokul, Learned Counsel for the Petitioner and Mr. P.Balasubramanian, Learned Standing Counsel, who takes notice for the First and Second Respondents, and Mr. A.Swaminathan, Learned Standing Counsel, who takes notice for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.



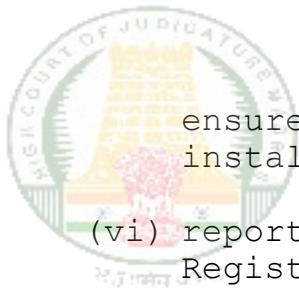
2. The Petitioner retired from service of the Respondents on 31.05.2017 and his terminal benefits were determined based on the last drawn salary paid to him. Subsequently, a settlement dated 01.04.2018 had been entered between the Tamil Nadu State Transport Corporation, Kumbakonam and its workmen under Section 12(3) of the Industrial Dispute Act, 1947, by which there was a revision in the pay scales with retrospective effect, which has a bearing on the last drawn pay of the Petitioner on the date on which he retired from service. The differential amount that would fall due for the terminal benefits of gratuity, surrender leave, pension arrears and revised pension pursuant to the enhancement of the last drawn pay, had been claimed by the Petitioner in his representation dated 08.02.2021 to the Respondents to disburse the same. Learned Counsel for the Petitioner states that though larger relief has been sought, the Petitioner would be satisfied if that representation dated 08.02.2021 made by the Petitioner to the Respondents is disposed within a time limit stipulated by this Court.

3. Learned Counsel for the Respondents submit that due to prevailing COVID pandemic situation, the Respondents have been facing financial constraints and are not in a position to make immediate payment of the entire amount that may be found payable and informs that the same may be permitted to 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 08.02.2021 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 31.10.2021 under written acknowledgment;

<https://hcservices.courts.gov.in/hcservices/> (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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm/vjt

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,
Tamil Nadu State Transport Corporation (KMB) Limited,
27, New Railway Station Road, Kumbakonam - 612 001.
2. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Limited,
Kumbakonam Region,
27, New Railway Station Road, Kumbakonam - 612 001.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

Copy to:-

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

+1 CC to M/s.K.GOKUL, Advocate (SR-24450[F] dated 29/07/2021)
+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-24313[F]dated 29/07/2021)

W.P. (MD) No. 12869 of 2021
28.07.2021