



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12816 of 2021

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D.Paneerselvam

... 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 for issuance of a Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pension Arrears and to revise pensions on the basis of 12(3) Settlement, dated 01.04.2018.

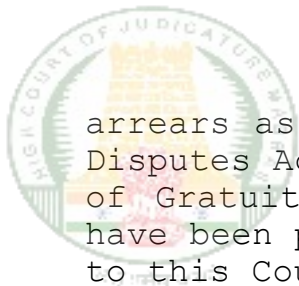
For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian for R1 & R2
Mr.A.Swaminathan for R3

ORDER

The petitioner has filed the present Writ Petition seeking a direction to the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pension Arrears and to revise pension arrears, on the basis of 12(3) Settlement, dated 04.01.2018.

2.The petitioner joined the first respondent Corporation as Helper with effect from 07.09.1989 and retired from service on 01.12.2016. Thereafter, he made a representation to the respondents on 02.03.2021, seeking to revise his terminal benefits and pension



arrears as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 and to disburse the difference amount of Gratuity, Surrender Leave and Pension Arrears. Since no orders have been passed on the said representation, the petitioner has come to this Court with this Writ Petition.

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

4. Considering the submissions of the learned counsel for the petitioner as well as the respondents 1 to 3, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 02.03.2021, 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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,
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(KMB) Limited,
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2. The General Manager,
Tamil Nadu State Transport
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<https://hcservices.ecourts.gov.in/hcservices/>



3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-24790[F] dated
30/07/2021)

+1 CC to M/s.K.GOKUL, Advocate (SR-24976[F] dated 02/08/2021)

W.P (MD) No.12816 of 2021
29.07.2021

RD(6.08.2021) 3P 6C