



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.16729 of 2021

G. Thirunayagan

... Petitioner

Vs.

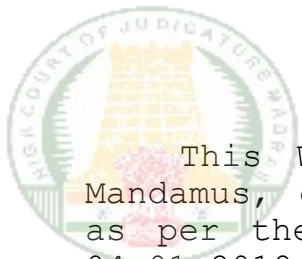
1. The Management of Tamil Nadu,
State Transport Corporation,
(Villupuram) Ltd.,
Represented by its Managing Director,
Villupuram.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Region,
Villupuram.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai -2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the 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 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 01.07.2017 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 01.07.2017 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
for R1 and R2
Mr. A. Swaminathan
Standing Counsel
for R3



ORDER

This Writ Petition is filed for the 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 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 01.07.2017 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 01.07.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

2. According to the petitioner, the writ petitioner was working as Traffic Inspector and retired from service on 30.06.2017. After the retirement of the petitioner, a settlement was arrived at between the first respondent Management and Trade Unions on 04.01.2018 under Section 12 (3) of the I.D. Act. As per clause 5 of the Settlement dated 04.01.2018, the petitioner was entitled for the revised pay with retrospective effect from 01.09.2016. However, the respondents have not settled the revised pay and refixed retirement benefit to the petitioner and hence the petitioner has made a representation on 09.08.2021. So far, no orders have been passed. Hence, the petitioner has filed the present Writ Petition before this Court.

3. Without expressing any opinion on the merits of the case, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 09.08.2021 and pass orders on its own merits and in accordance with law as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order. In the event of the respondents have passed an order, for the refixation of pay in favour of the writ petitioner, the said amount shall be settled as expeditiously as possible.

4. The Writ Petition is disposed of with the above directions. No cost.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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



To

1. The Managing Director,
State Transport Corporation,
(Villupuram) Ltd.,
Villupuram.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Region,
Villupuram.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai -2.

+1 CC to M/s.A.RAHUL, Advocate (SR-31649[F] dated 07/10/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-31423[F] dated 06/10/2021)

W.P (MD) No.16729 of 2021
06.10.2021

MGJ/JC (01.11.2021) 3P 6C