



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18349 of 2021

K.Durairaj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise petitioner pay as per the settlement u/s.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 the petitioner's retirement benefits and to disburse difference amounts in petitioner monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment by the respondents, within the stipulated time to be fixed by this Court and pass such further or orders.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sivaraman,
Standing Counsel for R1.
Mr.A.Swaminathan,
Standing Counsel for R2.



ORDER

This Petition is filed for the issuance of a Writ of Mandamus, directing the respondents to revise petitioner's pay as per the settlement u/s.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 the petitioner's retirement benefits and to disburse the difference amount in petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment by the respondents, within the stipulated time to be fixed by this Court.

2. According to the petitioner, he has retired from service on 30.04.2017. Thereafter he applied for retirement benefits to the respondents. In the meantime, there was a trilateral settlement made in between the management, the Government and employees representatives under Section 12(3) of the I.D. Act, 1947 dated 04.01.2018 to revise the salary of the employees with retrospective effect from 01.09.2016.

3. According to the petitioner, his retirement benefits and other benefits have to be revised, for which the petitioner has submitted a representation dated 30.12.2019, however, there was no response. Hence he has filed the present Writ Petition before this Court.

4. The learned counsel for the petitioner has made a request that it would be suffice to direct the first respondent to consider the representation of the petitioner dated 30.12.2019 and pass orders.

5. Considering the limited scope of prayer made in the writ petition and considering the submissions made by the counsel for the parties concerned, without expressing any opinion on the merits of the case, this Court is inclined to direct the first respondent to consider the petitioner's representation dated 30.12.2019 and pass appropriate orders after affording an opportunity to the petitioner 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.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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



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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Kumbakonam-612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-31628[F] dated 07/10/2021)
W.P (MD) No.18349 of 2021
07.10.2021

MGJ(28.10.2021) 3P 4C