



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.19026 of 2021

S.Vijayakumar,
S/o.Singaravelu,
Special Grade Tradesman (Rtd),
Staff No.86TH1007,
Tamil Nadu State Express Transport Corporation (Kumbakonam) Ltd.,
Residing at:
2/733, Christhuraja Nagar,
Chettimandapam, Kumbakonam. ... Petitioner

Vs.

1.The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

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, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the wage revision given under 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 pay difference amounts of his Gratuity, Leave Salary to him with interest at the rate of 6% per annum payable from 01.01.2017 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.P.Balasubramanian,
Standing Counsel.

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ORDER

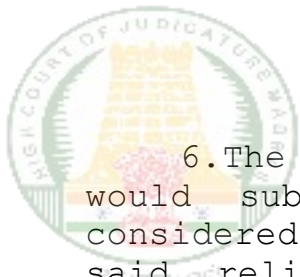
This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the respondents to revise the petitioner's pay as per the wage revision given under Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to pay difference amounts of his Gratuity, Leave Salary to him with interest at the rate of 6% per annum payable from 01.01.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was working as Special Grade Tradesman in the respondent Corporation and he was retired from service on 31.12.2016, on attaining the age of superannuation. According to the petitioner, as per settlement dated 04.01.2018 between the first respondent Management and the trade Unions under Section 12(3) of the I.D. Act, the pay scale of the Transport Corporation employees was revised with retrospective effect from 01.09.2016. Therefore, the petitioner is also entitled to get the difference amounts of his retirement benefits namely Gratuity, Leave Salary, Commuted Value of Pension etc. In this regard, the petitioner made a representation dated 13.03.2021 to the respondents requesting to pay the difference amounts of his retirement benefits. However, the said representation is still pending and no response was forthcoming by the respondents till date. Hence, the present writ petition is filed before this Court seeking the aforesaid relief.

5. The learned counsel appearing for the petitioner would submit that even though the petitioner prayed for the larger relief, he now restricted his prayer seeking a direction to the respondents to consider his representation dated 13.03.2021 in accordance with law.



6.The learned Standing counsel appearing for the respondents would submit that the petitioner's representation would be considered by the respondents if he is otherwise eligible for the said relief and an appropriate orders would be passed in accordance with law within a reasonable time as directed by this Court.

7. In view of the submissions made by the learned counsel on either side, and also considering the limited scope of prayer as sought by the petitioner, without expressing any opinion on merits, this Court directs the first respondent to consider the petitioner's representation dated 13.03.2021 and pass appropriate orders therein in accordance with law and on merits, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

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/ /2021

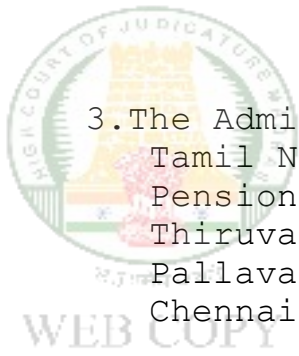
Sub Assistant Registrar(CS)

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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 Tamil Nadu
State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.



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

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-32695[F] dated
26/10/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-32770[F] dated 27/10/2021)

W.P (MD) No.19026 of 2021
26.10.2021

RK/SKN(17/11/2021) 4P 6C