



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.5320 of 2018

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R.Wilson

...Petitioner

/Vs./

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli.

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

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

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to revise the petitioner's pay with effect from 01/09/2013 in terms of settlement entered under Section 12(3) of the I.D.Act dated 13/04/2015 and to pay him arrears of salary from 01/09/2013 to 30/04/2014 and difference in retirement benefits including difference in gratuity, difference in pension, difference in leave salary payable from 01/05/2014 together with interest at the rate of 18% per annum within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

For R1 & R2 : Mr.K.Sathya Singh
Standing Counsel

For R3 : Mr.A.Swaminathan
Standing Counsel

**ORDER**

A memo is filed by Mr.K.Sathya Singh, learned counsel for R1 and R2, enclosing the working sheet of the amount payable to the petitioner in terms of Section 12(3) settlement as follows:

"As per the 12(3) settlement dated 01.09.2013 revised the petitioner retirement benefits and settled the following difference amounts.

	Amounts	Cheque No.	Date
Gratuity difference Amounts	Rs.22,847/-		22.03.2016
P.F. Difference Amounts	Rs.2,791300/-	971707	07.01.16
D.A. Difference Amounts	Rs.43,200/-		

Pension arrears paid on 15.06.2017 through the petitioner pension account Rs.22,847/-.

I am herewith enclosing the receipt for the payment."

2.Upon receipt of the memo, the learned counsel for the petitioner raises a dispute with regard to the differences due on account of earned leave and points out that a specific request has been made to this effect in his representation dated 06.03.2018.

3.It is the case of the respondents that no due is liable to be paid over on this account.

4.Thus, let a speaking order be passed on this aspect of the matter, by the respondents, within a period of four weeks from today, This Writ Petition is thus disposed as above. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /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
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Represented by its,
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Nagercoil.
- 3.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.T. SELVAKUMARAN, Advocate (SR-34981[F] dated 18/11/2021)

+1 CC to M/s.K. SATHIYA SINGH, Advocate (SR-34985[F] dated 18/11/2021)

W.P.(MD)No.5320 of 2018
16.11.2021

MGJ(04.12.2021) 3P 6C