



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.7577 of 2018

C.Rathinam

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai - 16.

2.The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
Dindigul - 4.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents for sanction 5th Review benefit in terms of clause 3 of the 12(3) settlement dated 22.01.2011 and consequently to direct the respondents to revise the pay and pension of the petitioner on completion of 32 years of service with effect from 2013 from the date of appointment on 29.07.1981.

For Petitioner	:	Mr.S.Govindan
For Respondents	:	Mr.J.Senthil Kumaraiah Standing Counsel for TNSTC

O R D E R

The petitioner has sought the limited relief of a direction to the respondents being the Managing Director, the General Manager in Tamilnadu State Transport Corporation (Madurai) Ltd./respondents 1 and 2 and the Administrator of Tamilnadu Transport Corporation, Employees Pensions Fund Trust/respondent No.3, to sanction the benefit of 5th review in terms of the settlement arrived at in terms of sub-clause(3) of Section 12 of the Industrial Disputes Act, dated 22.01.2021.

2. Mr.J.Senthil Kumaraiah, learned Standing Counsel appearing for the respondents would submit that since the same prayer has been made by the petitioner in his representations dated 17.11.2015 and 21.12.2016, the prayer of the petitioner could well be considered by



the respondents and decided.

3. I agree. Since the aforesaid representations of the petitioner seek the same relief as sought for in this writ petition and the same are pending before the respondents, it would suffice to direct the second respondent to consider the representations in the light of order dated 22.01.2021, quantify the benefit available to the petitioner in terms of the aforesaid order and pay over the same, if the claim of the petitioner is found to be tenable. The aforesaid exercise shall be completed within a period of twelve (12) weeks from today.

4. This Writ Petition is disposed with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai - 16.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Bye Pass Road,
Dindigul - 4.
- 3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

W.P. (MD) No.7577 of 2018

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SE (CO)

KB(25.11.2021) 2P 4C
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