



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.22410 of 2017

C.Murugesan

.. 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 Pension
Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to extend the 5th review benefit with effect from 01.11.2012 in terms of 12(3) Settlement dated 22.01.2011 and another Settlement dated 13.04.2014 on completion of 5 years from the date of sanction of 4th Review on 01.11.2007 and consequently direct the respondents to settle Arrears of Wages and other retirement benefits from 01.11.2012.

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

O R D E R

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



This petition has been filed seeking to direct the respondents to extend the 5th review benefit with effect from 01.11.2012 in terms of 12(3) Settlement dated 22.01.2011 and another Settlement dated 13.04.2014 on completion of 5 years from the date of sanction of 4th Review on 01.11.2007 and consequently direct the respondents to settle Arrears of Wages and other retirement benefits from 01.11.2012.

2. The case of the petitioner is that he joined in the respondent Corporation as Trainee Helper with effect from 03.05.1980 and thereafter, he was absorbed as Helper Maintenance on 23.12.1980 and brought under Time Scale of Pay on Regular Basis in the year 1982. Subsequently, he was promoted as Tradesman and Senior Tradesman and finally as Foreman on 19.06.2012. Due to the health issue of the petitioner's mother, he has to take care of her and hence he had sent a representation on 08.11.2013 to relinquish his promotion and revert him as Senior Tradesman. Considering his representation, the respondent Corporation has reverted him as Senior Tradesman and his scale of pay was also reduced to the reversion post. The petitioner was continued his service as Senior Tradesman and retired from service on 31.05.2016. The further case of the petitioner is that he has rendered more than 36 years of service. As per the 12(3) settlement dated 22.01.2011 and another settlement dated 13.04.2014, on completion of 36 years of service, the petitioner is entitled to receive 5th review benefits. In order to avail such benefits, the petitioner made a representation on 05.05.2014. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 05.05.2014 is disposed of by the respondent corporation at the earliest.

4. Learned Standing Counsel appearing for the respondents has no serious objection to consider the petitioner's representation, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 05.05.2014 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.



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

05.03.2021

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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MR(11.05.2021) 3P 4C