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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1360 of 2019

G.Kadirvelu

...Petitioner

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Kanchipuram Division,
Karaipettai,
Kanchipuram - 631 552.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pay difference in gratuity, difference in surrender leave amount and difference in commutation amount with 18% interest p.a. till the date of payment as per the First Respondent's Circular to the Second Respondent in Circular No. 14/26226/E4/TNTC(Vpm.)2016 dated 08.11.2016 and Wage Settlement No. C1/036966/2017 dated 04.01.2018.

For Petitioner : Mr. R.Anbalagan

For Respondents : Mr. G.Saravanakumar,
Standing Counsel (for R1 & R2)

Mr. C.S.K.Sathish,
Standing Counsel (for R3)



O R D E R

Heard Mr. R.Anbalagan, Learned Counsel for the Petitioner, Mr. G.Saravanakumar, Learned Standing Counsel for the First and Second Respondents and Mr. C.S.K.Sathish, Learned Standing Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was working as as Senior Tradesman, had retired from the service of the Respondents on 31.10.2016 and had been paid his terminal benefits. As per the Circular No. 14/26226/E4/TNTC(Vpm.)2016 dated 08.11.2016, the First Respondent had revised the grade pay of technical staff of the Respondents with notional effect from 01.09.2013 and had extended the monetary benefits from 16.09.2016. Thereafter, a settlement dated 04.01.2018 in Wage Settlement No. C1/036966/2017 was entered between the Respondents and their trade unions representing their employees in which the net salary of the employees had been revised. It is claimed by the Petitioner that several representations dated 12.07.2017, 25.10.2017, 21.06.2018, 23.07.2018 and 05.12.2018 had been made for payment of differential amount of the terminal benefits that he would be entitled to receive in terms of the said revision in the grade pay and net salary payable to the Petitioner at the time of his superannuation from service. Since no action was taken thereon, the Writ Petition has been filed for directing the Respondents to pay difference in gratuity, surrender leave salary and commutation of pension with interest at the rate of 18% per annum till the date of payment as per Circular No.14/26236/E4 TNSTC (Vpm) 2016 dated 08.11.2016 of the First Respondent and Wage Settlement No. C1/036966/2017 dated 04.01.2018.

3. Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the orders are passed by the Respondents on the representations dated 12.07.2017, 25.10.2017, 21.06.2018, 23.07.2018 and 05.12.2018 in which the Petitioner has made such claim before the filing of the Writ Petition.

4. Having regard to the restricted extent of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representations made by the Petitioner the payment of the differential amount in terminal benefits in terms of Circular No. 14/26226/ E4/TNTC(Vpm.)2016 dated 08.11.2016 of the First Respondent and Wage Settlement No. C1/036966/2017 dated 04.01.2018;



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- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of terminal benefits shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) the report of completion of the aforesaid exercise shall be filed by 31.07.2022 before the Registrar (Judicial) of this Court; and
- (vi) there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Kanchipuram Division,
Karaipettai,
Kanchipuram - 631 552.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House,
Pallavan Salai,
Chengalpattu - 600 002.



Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.G.Saravana Kumar, Advocate SR. No. 28511
+1cc to Mr.C.S.K.Sathish, Advocate SR. No. 28499
+1cc to Mr.R.Anbalagan, Advocate SR. No. 28046

W.P. No. 1360 of 2019

SV (CO)
PR (03/06/2022)