



WEB COPY



W.P.No.2151 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.2151 of 2019

R.Chandrasekaran

... Petitioner

Vs

1.The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavarani Illam,
Anna Salai, Chennai – 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant Vth review after completion of 32 years, as per the settlement dated 13.04.2015 and to revise the pension of the petitioner and to pay arrears from the date of retirement.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.A.Vinothraj
Standing Counsel (for R1)

: Mr.C.S.K.Sathish
Standing Counsel (for R2)



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ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to grant Vth review after completion of 32 years, as per the settlement dated 13.04.2015 and to revise the pension of the petitioner and to pay arrears from the date of retirement.

2. The petitioner was working as Conductor by joining the service in the respondent Transport Corporation on 16.10.1981 after having worked for 34 years, he retired from service on superannuation on 30.04.2015.

3. In this regard, it is the case of the petitioner that, as per the earlier settlement between the employees and the Management, totally there would be a Vth review benefit conferred on the employees at the end of 6 years + 7 years + 8 years + 8 years + 3 years. However, this was modified under the wage settlement dated 13.04.2015 which was given effect to from 01.09.2013, under which, this review benefit has been modified as at the completion of 6 years + 7 years + 7 years + 7 years and finally + 5 years, therefore totally within the 32 years of service the employee would be entitled to get the entire Vth review benefit.



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4. In this case, the grievance of the petitioner is that even though the petitioner has completed 32 years of service as he has completed 34 years of service before he had been superannuated the Vth review benefit at the end of 32 years of the service has not been conferred on the petitioner. Hence, in order to get the said Vth review benefit, the petitioner has given a representation on 12.06.2018 to the respondent which was not considered by the respondents, therefore the petitioner has moved the present writ petition.

5. Heard Mr.S.T.Varadarajulu, learned counsel appearing for the petitioner who having reiterated the aforestated would seek indulgence of this Court by giving a direction to the respondents to consider the request made by the petitioner to confer the Vth review benefit. He would also submit that, during the service period there was a punishment awarded against the petitioner, which the petitioner has undergone. Even assuming that the punishment the petitioner undergone, that would not take away the right of the petitioner to get it conferred the Vth review. Therefore, the request of the petitioner in this regard for conferring the Vth review benefit shall be directed to be considered and conferred to the petitioner within a time frame that may be stipulated by this Court.



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6. Heard Mr.A.Vinothraj, learned Standing Counsel appearing for the 1st respondent who would submit that, even though under wage settlement dated 13.04.2015 the end years of service for each and every wage benefit i.e. totally 5 benefits have been modified. Insofar as the petitioner is concerned, in order to get the Vth review benefit, whether he has completed the 32 years of unblemished service has to be verified. Therefore, in this context, the plea raised by the petitioner through his representation dated 12.06.2018 would be considered on merits and it would be decided accordingly within a time frame, he contended.

7. I have considered the said submissions made by both sides and on perusal of the documents filed before this Court and having considered the said case projected by the learned counsel appearing for the petitioner in view of the wage settlement dated 13.04.2015 which has been given effect to from 01.09.2013, the Vth review benefit whether to be conferred on the petitioner on completion of his 32 years service has to be decided by the respondents by considering his representation dated 12.06.2018 and accordingly if the petitioner has become eligible to get the Vth review benefit, the same shall be extended to the petitioner.



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8. In that view of the matter, this Court is inclined to dispose of this

writ petition with the following orders:

(i) That there shall be a direction to the respondents to consider the request by way of representation dated 12.06.2018 of the petitioner and pass orders thereon as to the entitlement of the petitioner to get the Vth review benefit on completion of 32 years of service and based on which, if the petitioner is entitled to get Vth review benefit, the same shall be conferred on the petitioner and be paid accordingly, the pensionary benefits shall also be revised and accordingly the same shall be paid to the petitioner.

(ii) These directions shall be complied with by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

9. With these directions, this Writ Petition is disposed of. No costs.

30.08.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl



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R. SURESH KUMAR, J.

Sgl

To

- 1.The Managing Director,
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