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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6035 of 2022

K.Kamalakaran

...Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust/Post Retirement
Benefit Fund,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the differential terminal benefits viz., Gratuity and leave encashment of Rs.88,032/- based on the revision of the pay scale introduced by the respondent as per the 13th Settlement entered between the Union and the Management on 04.01.2018, which would be appropriate along with the interest at the rate of 18% per annum.

For Petitioner : Mr.P.Paramasiva Doss

For R1 : Mrs.R.L.Karthika
Government Advocate

For RR2 & 3 : Mr.G.Saravanakumar
Standing Counsel



ORDER

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

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2. The case of the writ petitioner is that initially, he was appointed as Junior Assistant in the Respondent Transport Corporation. He was retired from service on 30.06.2017 as a Selection Grade Assistant. The pay scales pertaining to the employees of the Transport Corporation (except the Supervisory and Managerial Cadre) was revised based on the terms and conditions of the settlement entered between the Union and the Management as per Section 12(3) of the Industrial Disputes Act. Based on the 13th settlement, the petitioner is entitled to draw his terminal benefits based on the revised payscale w.e.f.01.09.2016. Hence, the petitioner is entitled to draw a revised pension along with revised dearness allowance with arrears. But, the respondents have failed to take steps to introduce the revised pay scale and revise the petitioner's pension and terminal benefits. Therefore, the petitioner made a representation to the respondents on 29.01.2020 seeking for the payment of the revision of pay scale with regard to the terminal benefits. But, there was no response from the respondents on the aforesaid representation. Hence, this writ petition.

4. Mrs.R.L.Karthika, learned Government Advocate takes notice for the 1st respondent and Mr.G.Saravana Kumar, takes notice for the respondents 2 and 3 and they submitted that if any representation submitted by the petitioner was received by the respondents, the same will be considered on merits and in accordance with law.

5. In view of the aforesaid submission and without expressing any opinion on merits, this Court is inclined to direct respondents to consider the petitioner's representation dated 29.01.2020 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram.

3.The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust/Post Retirement Benefit Fund,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002

+1 CC to The Government Pleader sr 18556

+1 CC to Mr.P.Paramasiva Doss, Advocate sr 18265.

W.P.No.6035 of 2022

SSD(CO)
SP(05/04/2022)