



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

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

W.P.NO.5717 OF 2019

B.Thanikachalam

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.

2. 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 pension commutation with 12% interest p.a. till the date of payment as per Wage Settlement No. C1/066920/2014 dated 13.04.2015.

For Petitioner	:	Mr.R.Anbalagan
For Respondents	:	Mr.G.Saravanakumar, Standing Counsel (for R1) Mr.C.S.K.Sathish, Standing Counsel (for R2)

O R D E R

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



2. The Petitioner, who was working as Conductor, had voluntarily retired from service of the Respondents on 31.01.2015 and had been paid his terminal benefits. A settlement dated 13.04.2015 in Wage Settlement No. C1/ 066920/2014 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 representations dated 05.02.2019 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 and commutation of pension with interest at the rate of 12% per annum till the date of payment as per Wage Settlement No. C1/066920/2014 dated 13.04.2015.

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 05.02.2019 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 Wage Settlement No. C1/ 066920/2014 dated 13.04.2015;

(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 Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House,
Pallavan Salai,
Chennai - 600 002.

Copy to

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

+1cc to Mr.R.Anbalagan, Advocate, S.R.No.28050
+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.28500
+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.28518

W.P.No.5717 of 2019

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