

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.12860 OF 2022

M.Sekar

... Petitioner

.Vs.

The Management of Tamilnadu State
Transport Corporation (Kovai) Ltd.,
Rep. By its Managing Director,
Coimbatore.

... Respondent

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to pay the petitioner the difference in his terminal benefits namely Gratuity and Encashment of Leave after revising the same based on the scale of pay payable to him on the month of his retirement as admitted by the respondent in the RTI information dated 05.01.2022 together with 18 percentage interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Ms.Porkodi
For Mr.V.Ajoy Khose

For Respondents : Mr.A.Sundaravadanam
Standing Counsel

ORDER

By consent of the learned counsels appearing for the parties concerned, this writ petition is taken up for final disposal.

2. The prayer sought for in the writ petition is to direct the respondent to pay the petitioner the difference in his terminal benefits namely Gratuity and Encashment of Leave after

revising the same based on the scale of pay payable to him on the month of his retirement as admitted by the respondent in the RTI information dated 05.01.2022 together with 18% interest per annum within a time frame as may be fixed by this Court.

3. Heard both sides and perused the materials available on record.

4. The learned counsel for the petitioner has submitted that the petitioner was appointed in the respondent-Corporation as Conductor on 04.02.1988 and after getting up-gradations/promotions, finally the petitioner was worked as Special Grade Conductor and retired on reaching the age of superannuation on 30.06.2017.

5. The learned counsel for the petitioner has further submitted that new wage settlement dated 04.01.2018 has been arrived at between the managements of all the State Transport Corporations including the respondent Corporation and the trade union and the same was also given retrospective effect from 01.09.106. The learned counsel for the petitioner has further submitted that though the petitioner was retired from service before the date of settlement, he is entitled to get the benefits of the same, in view of the fact that the settlement was given retrospective effect. Hence the petitioner has made a representation dated 15.02.2022 to the respondent to pay the petitioner the difference in his terminal benefits namely Gratuity and Encashment of Leave after revising the same based on the scale of pay payable to him on the month of his retirement. However, the said representation is still pending, hence the present writ petition.

6. On the other hand, the learned Standing Counsel appearing for respondent-Corporation has submitted that the representation submitted by the petitioner will be considered by the respondents and appropriate orders will be passed in accordance with law and within a time frame as fixed by this Court.

7. In view of the submissions made by the learned Standing Counsel appearing for the respondent-Corporation and considering the limited scope of the prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 15.02.2022 made by the petitioner and pass appropriate orders, in accordance with law, within a period of

twelve weeks (12) from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
The Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37959

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JPL(CO)
PBS/14/07/2022