



W.P. No. 2619 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

W.P. No. 2619 of 2020

J. Janakiraman

... Petitioner

-VS-

1. Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu, Villupuram – 605 401.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram – 605 401.
3. Tamilnadu State Transport Corporations,
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 2.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pay the Petitioner the arrears of difference in wages for the period from 01.09.2013 to 31.08.2018 as per the settlement dated 13.04.2015, by granting him 4th review benefit and 5.5% wage revision increase and to pay him the difference in Gratuity, earned leave / medical leave salary and commuted value of pension and the arrears of revised monthly pension, for the period from



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01.09.2013 to 30.01.2018 as mentioned in the annexure to his representation dated 19.08.2019, together with interest at the rate of 12% p.a.

For Petitioner : Ms. H.Nandhini
For Mr. V.Ajoy Khose

For Respondent : Mr. R.Venkatesh Perumal (R1 and R2)
Mr. C.S.K.Sathish (R3)

ORDER

Heard Ms. H.Nandhini, Learned Counsel appearing for the Petitioner, Mr. R.Venkatesh Perumal, Learned Counsel for the First and Second Respondents and Mr. C.S.K.Sathish, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 19.08.2019 to the Respondents for disbursement of the differential amount of gratuity, earned leave and commuted value of pension arising out of difference in wages for the period from 01.09.2013 to 31.08.2014 to him as per the settlement dated 13.04.2015 by granting Fourth Review



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Benefit and 5.5% wage revision increase, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 19.08.2019 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, 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 days for the same;
- (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;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;



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(v) if the Petitioner is found entitled to any monetary benefits, the same shall

be paid along with working-sheet showing its calculation within a period

of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar

(Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

07.03.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 05.06.2023.

To

1. Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu, Villupuram – 605 401.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram – 605 401.



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3. The Administrator,
Tamilnadu State Transport Corporations,
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 2.

Copy to

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



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P.D. AUDIKESAVALU, J.

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