



W.P.(MD)No.4030 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4030 of 2023

Palaniappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, Bye Pass Road,
Dindigul.

3.The Administrative Officer,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to extend the 5th review benefits to the petitioner based on the settlement dated 22.01.2011 entered under Section 12(3) of the Industrial Disputes



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Act with effect from 18.07.2013 by issuing the revised pay fixation order with all attendant monthly benefits and further, directing the respondents to pay the petitioner's arrears of dues in salary payable to the petitioner for the period commencing from 18.07.2013 to his date of retirement (i.e.,) 30.06.2016 along with interest at 12% per annum and also to compute and pay the revised pension benefits by considering his representation dated 03.12.2022 within the time stipulated by this Court and for other reliefs.

For Petitioner	: Mr.J.Lawrance
For Respondents	: Mr.S.Ramachandra Pradeep for R1 and R2 Mr.S.C.Herold Singh for R3

ORDER

This Writ Petition has been filed for a direction to the respondents herein to extend the 5th review benefits to the petitioner based on the settlement dated 22.01.2011 entered under Section 12(3) of the Industrial Disputes Act with effect from 18.07.2013 by issuing revised pay fixation order with all attendant monthly benefits and to pay the petitioner's arrears of dues in salary for the period commencing from 18.07.2013 to



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his date of retirement (i.e.,) 30.06.2016 along with interest at 12% per annum and also to compute and pay revised pension benefits by considering his representation dated 03.12.2022 within the time stipulated by this Court and for other reliefs.

2. The case of the petitioner is that the petitioner joined as Conductor in the respondents Corporation on 05.11.1980 on temporary basis and his service was regularized. He was given selection grade in the post of Conductor by the second respondent. Thereafter, the second respondent vide proceedings dated 17.07.2013, has promoted the petitioner as Senior Grade Checking Inspector. But, due to family circumstances, he was unable to do the said job and he has relinquished the said promotional post. While so, on 22.01.2011, a settlement was entered between the respondents Management and the representative of Trade Unions and Clause (IV) of the said settlement deals with the review benefits. In pursuance of the said settlement, the respondents 1 and 2 have extended the 4th Review benefits to the petitioner on 01.08.2010. On completion of three years from 01.08.2010, he is entitled



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for 5th Review benefits from 01.08.2013. Since the petitioner has completed the service period of 36 years, the respondents 1 and 2 ought to have conferred the 5th review benefits to him also. However, till date, the said Clause IV of the Settlement dated 22.01.2011 has not been implemented, insofar as the petitioner is concerned by the second respondent, despite the Government of Tamil Nadu has passed an order in G.O.(Ms).No.61, Transport (C) Department dated 30.04.2016 for due implementation of the said Settlement dated 22.01.2011. Hence, he made a detailed representation to the second respondent, on 03.12.2022. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representation of the petitioner, dated 03.12.2022, on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent have no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation, dated 03.12.2022 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 is disposed of. No costs.

27.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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M.DHANDAPANI,J.

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