



WEB COPY



W.P.(MD).No.6376 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6376 of 2023

T.Rajendran, (Staff No.85TS3025/10885)

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay as per the settlement u/s.12(3) of the I.D.Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix the petitioner's retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of



W.P.(MD).No.6376 of 2023

18% per annum payable from 01.09.2016 to till the date of actual payment by the respondents, by considering the petitioner's representation dated 04.01.2023, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas.

For R-1 : Mr.K.Jagatheesh Balan

For R-2 : Mr.S.C.Herold Singh

ORDER

This Writ Petition is filed for Mandamus, directing the respondents to revise the pay as per settlement under 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix the petitioner's retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment and by considering the petitioner's representation dated 04.01.2023.

2. The contention of the petitioner is that the said 12(3) settlement is applicable to the petitioner.



W.P.(MD).No.6376 of 2023

3. Since the Writ Petition is disposed of in the admission stage itself, without expressing any opinion on the merits of the case, this Court is simply directing the respondents to consider the claim of the petitioner. If the petitioner's claim is coming within the purview of 12(3) settlement dated 04.01.2018, the same shall be granted to the petitioner. If the claim of the petitioner is not coming within the purview of the 12(3) settlement, the respondents shall pass speaking order, after affording opportunity to the petitioner and the said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. This Writ Petition is allowed on the above terms. No costs.

24.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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W.P.(MD).No.6376 of 2023

S.SRIMATHY, J.

Nsr

To

1.The Managing Director,
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W.P.(MD).No.6376 of 2023

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