



W.P.(MD)No.2051 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2051 of 2018

P.Perumal

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Transport Department,
The Chairman of all State Transport Corporation,
Secretariat,
Chennai – 600 009.

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

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

... 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 pay the petitioner 5th Review benefits with attendant benefits as per the order, dated 19.09.2016, passed by the second respondent with reference



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to the order, dated 26.08.2016, made in W.P.No.15989 of 2016 by this Honourable Court and the petitioner's representation, dated 22.10.2016.

For Petitioner	: Mr.A.Muthukaruppan
For R-1	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R-2 & R-3	: No Appearance

ORDER

This writ petition has been filed by the petitioner for a direction to the respondents to pay the petitioner the 5th Review benefits with attendant benefits as per the order, dated 19.09.2016 passed by the second respondent with reference to the order, dated 26.08.2016, passed by this Court in W.P(MD)No.15989 of 2016 and by considering the petitioner's representation, dated 22.10.2016.

2. The case of the petitioner is that he joined the Tamil Nadu State Transport Corporation as a Conductor on 01.05.1980. On attaining the age of superannuation, after 33 years of unblemished service, he retired from service on 30.06.2013 as a Senior Grade Checking Inspector. While he was in service, the Transport Corporation introduced a Scheme called 'Longevity Pay Scheme' and under the said Scheme, review



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benefits were sanctioned to all the categories of employees periodically after completion of prescribed length of service. The petitioner is entitled to the said review benefits. In order to avail such benefit, already a settlement has been arrived at under Section 12(3) of the Industrial Disputes Act. However, the said benefit was not extended to the petitioner. Hence, the petitioner has made a representation to the respondents on 11.08.2016. Since the same was not considered, the petitioner has filed a writ petition in W.P(MD)No.15989 of 2016 seeking for a direction to consider the petitioner's representation, dated 11.08.2016, in which, this Court vide order dated 26.08.2016, directed the second respondent to consider the representation of the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. Pursuant to the said direction, the second respondent has also passed an order on 19.09.2016 holding that the petitioner is entitled to the 5th review benefits from 01.05.2012. However, review benefits were not disbursed to the petitioner. Hence, the petitioner has made one more representation on 22.10.2016, by enclosing the order, dated 26.08.2016 passed in W.P(MD)No.15989. However, no order was passed till date. Hence, the petitioner has filed



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this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the second respondent is directed to dispose of the representation of the petitioner, dated 22.10.2016, on merits and in accordance with law, within a specified period.

4. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 22.10.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of.
No costs.

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PM
NCC:Yes/No
Index:Yes/No



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M.DHANDAPANI,J.

pm

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