



W.P.(MD).No.19322 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19322 of 2023

P.Pandiyarajan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
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 pay pension arrears of Rs.1,22,535/- payable to the petitioner for the period from the date of his retirement to till the date of payment of revised pension i.e., 01.11.2017 to 09.09.2019, in the light of the settlement made under section 12 (3) of I.D Act dated 04.01.2018 with appropriate interest.



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For Petitioner : Mr.P.Vijaynivas
For R1 : Mr.K.Jegadeesh Balan
Standing Counsel
For R2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to pay pension arrears of Rs.1,22,535/- payable to the petitioner for the period from the date of his retirement to till the date of payment of revised pension i.e., 01.11.2017 to 09.09.2019, in the light of the settlement made under section 12 (3) of I.D Act dated 04.01.2018 with appropriate interest.

2. Heard the learned counsel on either side.

3. The petitioner was working as Driving Instructor in the respondent corporation. He retired on 31.10.2017. His terminal benefits were settled. Subsequently pay revision settlement was entered into between the management and the union under Section 12(3) of the Industrial Disputes Act on 04.01.2018. It came into the effect from 01.09.2016. The case of the



petitioner is that he is entitled to differential benefit. Since his request was rejected, the present writ petition came to be filed.

4.The issue on hand is no longer res integra. My attention is drawn to the order dated 30.09.2016 made in W.P.Nos.29965 and 29966 of 2016 and it was held as follows:-

“ 7. The relevant portion of the order dated 27.3.2014 passed by this Court in W.P.Nos.971 of 2013 etc. is usefully extracted hereunder:-

'7. It is not in dispute that pursuant to the pay revision as per G.O.(Ms) Nos.234 and 236, Finance (PC) Department dated 1.6.2009, the present petitioners were also given such benefit of pay revision by passing G.O.(Ms) No. 63, Transport (D) Department dated 5.2.2010, with retrospective effect. One such pay revision is extended to the petitioners also, all the benefits accrued consequent upon such pay revision also should be extended to them without any restriction, in respect of encashment of earned leave.'

8. Since the issue involved in the present writ petitions is also identical to the issue involved in the said decision, following the same, these writ petitions are also allowed and the respondents are directed to pay the difference amount of encashment of earned leave to the petitioners in each of these writ petitions in respect of the amount as sought for therein along with appropriate interest, within a period of 12 weeks from the date of



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receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

5. I had also adopted the very same approach in identical facts situation. Copy of the order dated 22.09.2022 made in W.P.(MD)No.21097 of 2022 has been produced by the learned counsel for the writ petitioner. I, therefore, direct the respondents to pay the pension arrears in accordance with the settlement entered into under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018. This amount will be paid to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. The management is directed to pay interest at the rate of 6% per annum from the date of settlement till date of payment.

6. The writ petition stands disposed of. No costs.

09.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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