



W.P(MD)No.26709 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26709 of 2023

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... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Represented by its General Manager,
Ranithottam, Nagercoil.

3.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2016 based on new wage settlement, dated 04.01.2018 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2016 to



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31.05.2017 also the difference in petitioner's terminal benefits namely Gratuity, Encashment of leave, after revising the same based on such re-fixed scale of pay payable to petitioner on the month of the petitioner's retirement, together with 18% interest per annum and further directing the respondents to revise the petitioner's pension with effect from September, 2016 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September 2016 and pension commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.VAshik

For R1 & R2 : Mr.D.Jebaraj
Standing Counsel

For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed by a Senior Grade Checking Inspector who has voluntarily retired on 31.05.2017. After his retirement, the trade union and the management have entered into a settlement under Section 12(3) of the Industrial Dispute Act on 04.01.2018 with effect from 01.09.2016.



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2. In view of the above said facts, the petitioner has sent a representation on 03.10.2023 to confer the benefits upon him which had accrued before the date of his retirement. Since the same is not considered, the present writ petition came to be filed.

3. In view of the above said facts, the respondents 2 and 3 are directed to confer the benefits to the writ petitioner based upon the 12(3) settlement, dated 04.01.2018 within a period of twelve (12) weeks from the date of receipt of copy of this order.

4. With the above said observations, this Writ Petition stands disposed of. No costs.

07.11.2023

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

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The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.
- 2.The General Manager,
Nagercoil Region,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Ranithottam, Nagercoil.
- 3.The Administrator,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.26709 of 2023

Dated:
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