



W.P.(MD).No.26760 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26760 of 2023

E.Robert Belarmin

... Petitioner

Vs.

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

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

3. The Administrator,
Tamil Nadu State Transport Employees' 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 first respondent to revise petitioner's scale of pay w.e.f 01.09.2016 based on the new wage



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settlement dated 04.01.2018 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 31.05.2017 and 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 the 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 Respondents : Mr.D.Jebaraj,
Standing Counsel – for R1 and R2
: Mr.S.C.Herold Singh
Standing Counsel - for R3

ORDER

The present writ petition has been filed by a Special 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. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

4. In view of the above said facts, the respondents 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.

5. With the above said observations, this Writ Petition stands allowed.

No costs.

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

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Kattapomman Nagar,
V.M.Chathiram,
Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Ranithottam, Nagercoil.
3. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
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R.VIJAYAKUMAR,J.

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