



W.P.(MD).No.29631 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29631 of 2023

N.Thanu Moorthy

Vs.

... Petitioner

1. The Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Tirunelveli Division,
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 Corporate 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



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to revise petitioner's scale of pay with effect from 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2019 to 31.05.2022 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, 2019 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, 2019 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 Driver of the respondent Transport Corporation, who had attained superannuation on 31.05.2022.

2. According to the writ petitioner, after his retirement, the Trade Union



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and the Management was entered into a Settlement under Section 12 (3) of the Industrial Dispute Act, on 24.08.2022, wherein, the monetary benefits were conferred with effect from 01.09.2019. The petitioner has sent a representation to the respondents on 20.11.2023. Since there is no response, present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

4. Considering the above said facts, the respondents 2 and 3 herein are directed to confer the eligible benefits upon the writ petitioner and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

14.12.2023

NCC : Yes/No
Index : Yes / No



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Internet : Yes / No
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To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Division)
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 Corporate Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
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R.VIJAYAKUMAR,J.

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