



WEB COPY



WP.No.8229 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.8229 of 2021

1.R.Ramakrishnan

2.S. Anthony Samy

3.P.Ganesan[deceased]

P-4 Pappathi (wife),

P-5 G.Rajamani (daughter),

P-6 G.Malarvizhi (daughter),

P-7 G.Eswari (daughter),

P-8 G.Kathirvel(son),

P-9 G.Arulmani (daughter),

(P4 TO P9 are substituted as lrs of
deceased p3, as per order dated 13.03.2024

IN WMP.29863/2021 IN WP.8229/2021 by RNMJ)...

Petitioners

/vs/

1. Tamil Nadu State Transport
Corporation (Coimbatore),
Rep. by its Managing Director,
37, Mettupalayam Road, .
Coimbatore 641 043.



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2. The General Manager,
Erode Region, TNSSTC (Coimbatore) Ltd,
Chennimalai Road, Erode-11. ...

Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the Respondents to restore and pay the petitioners the monthly pension payable to them under the Post Retirement Benefit Scheme, with effect from March 2017 and Feb 2017 respectively at the rate of Rs.1000/- per month, with arrears and interest and to continue to pay them monthly pension at the rate of Rs.1000/- per month till their life time, award costs.

For Petitioners : M/S.Pozhil Ilavenil

For Respondents : Mr.Muralivinoth, Standing Counsel for TNSSTC

ORDER

Heard M/s.Pozhil Ilavenil, learned counsel for the petitioner and Mr.Muralivinoth, learned standing counsel for Tamil Nadu State Transport Corporation and perused the materials available on record.

2. The Writ Petition has been filed for seeking a Writ of Mandamus to direct the Respondents to restore and pay the petitioners the monthly pension payable to them under the Post Retirement Benefit Scheme, with effect from March 2017 and February 2017 respectively, at the rate of Rs.1000/- per month,



with arrears and interest and to continue to pay them a monthly pension at the rate of Rs.1000/- per month till their lifetime, including award costs.

3. A Clause 9(2) of the 12(3) statement and Clause 9(2) of the 12(3) settlement have been arrived on 13.04.2015 and 04.01.2018 respectively between the workers and management of the respondent's corporation, wherein it is agreed to pay Rs.1000/- per month for all those employees who had been getting the monthly monetary benefit between the period from 01.09.1992 to 31.08.1998, till their life time.

4. M/s.Pozhil Ilavenil, learned counsel for the petitioners submitted that the payment has been made in terms of the 12(3) settlements for March 2017, February 2017 and February 2017 respectively.

5. Mr.Muralivinoth, the learned standing counsel for Tamil Nadu State Transport Corporation/respondents, did not deny the existence of the 12(3) settlements raised between the employer and employees on 13.04.2015 and 04.01.2018 respectively.

6. In fact, the same has also been implemented for some time, but all of a sudden it has been stopped by the respondents for the reason best known to them.



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It cannot be the contention of the respondents that the petitioners are not entitled to receive the above benefit in view of the fact that they have already been given with the said benefit.

7. Hence, the respondents 1 and 2 are directed to resume the said payment in accordance with the existence of the above terms of Clause 9(2) of the 12(3) statement dated 13.04.2015 and Clause 9(2) of the 12(3) settlement dated 04.01.2018 respectively and make a payment of Rs.1000/- every month along with arrears within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ petition is disposed. No costs.

18.03.2024

Index : Yes
Internet : Yes/No
jrs

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R.N.MANJULA, J.

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