



W.P.(MD).No.2333 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2333 of 2024

B.Ravi Parameshwaran

... Petitioner

Vs

The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Karaikudi Region,
27, New Railway Station Road,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to settle the petitioner's remaining portion of retirement benefits such as arrears of Gratuity, arrears of Provident Fund and arrears of monthly pension payable to him with reasonable rate of interest as per the settlement, dated 01.09.2016 U/S 12(3) of ID Act based on his representation, dated 23.08.2023 within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the respondent to settle the petitioner's remaining portion of retirement benefits such as arrears of Gratuity, arrears of Provident Fund and arrears of monthly pension payable to him with reasonable rate of interest as per the settlement, dated 01.09.2016 U/S 12(3) of ID Act based on his representation, dated 23.08.2023 within the time stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.The petitioner joined in the respondent Corporation as Driver at Rameshwaram Branch from 1997 and has rendered service. As per order, dated 28.02.2003, he was awarded with punishment of increment cut with cumulative



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effect for a period of one year and the same was reduced to increment cut with cumulative effect for the period of six months, as per order dated 01.08.2004. On attaining the age of superannuation, he retired from service on 20.04.2017. The petitioner was not provided 2nd review after completion of his 13 years of qualified service. While calculating his pensionable service, it should be taken as if, he had completed 14 years of service. But the respondent calculated his qualified service as if, he had completed only 13 years of service. As per Tamil Nadu State Transport Pension Rules, above six months service has to be taken as one year. Since the petitioner has completed 13 years 11 months service, it should be taken as 14 years of qualified service. In this regard, the petitioner made a detailed representation on 23.08.2023 requesting the respondent to calculate his service of 14 years and pass appropriate orders and also provide him 2nd review in terms of settlement benefits under Section 12(3) of Industrial Dispute Act, 1947. However the same was not considered. Hence, this petition came to be filed.

5.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 23.08.2023



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and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

06.02.2024

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

PNM

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