



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2016
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.16422 of 2016

WEB COPY

A.Shanmuganathan

... Petitioner

Vs

1.The Tamil Nadu State Transport Corporation,
(Kumbakonam)Limited,
rep. By its Managing Director, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam)Limited,
Karaikudi Region,
Karaikudi.

... Respondents

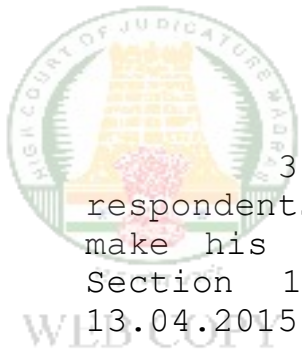
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including salary arrears in terms of settlement from 01.09.2013 to 30.04.2014 and gratuity in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Hon'ble Court.

For petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

The petitioner has come to this Court seeking a writ of mandamus directing the respondent to pay the entire terminal benefits payable to the petitioner including salary arrears in terms of settlement from 01.09.2013 to 30.04.2014 and gratuity in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment.

2.The petitioner served as a Driver in the first respondent Corporation from 01.11.1986 and after reaching the age of superannuation, he retired from service on 30.04.2014. But his grievance is that a settlement was arrived under Section 12(3) of the Industrial Disputes Act, 1947, with regard to fixation of pay of the employees of the Transport Corporation and as per the settlement, dated 13.04.2015, the respondents have agreed to give revised basic scale of pay. In the meanwhile, he has also retired from service. However, he has also sent a representation to the respondents and the same has also not been considered sofar.



3. Mr.D.Sivaraman, Learned Standing Counsel for the respondents Corporation would submit that the petitioner cannot make his claim on the basis of the settlement arrived under Section 12(3) of the Industrial Disputes Act, 1947, dated 13.04.2015, since he retired from service, even prior to that.

4.However, considering the case of the petitioner, this Court is of the view that in any event, since the representation of the petitioner is pending before the respondent, it is for the respondents to consider the same and pass appropriate orders. Hence, the respondents are directed to consider the representation of the petitioner, dated 20.08.2016 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.D.Sivaraman, Advocate, SR.No.48921

+One cc to Mr.A.Rahul, Advocate, SR.No.49351

vs
RL/3C/2P/SS2/21/9/2016

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31/08/2016