



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.16426 of 2016

N.Rajamanickam ... Petitioner

Vs

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2. ... 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 revise pay of the petitioner for the period from 01.09.2013 to 30.09.2013 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947 and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 30.09.2013 and to pay him the difference in retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.10.2013 to till date together with interest at the rate of 18% per annum based on the said settlement.

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 respondents to revise his salary for the period from 01.09.2013 to 30.09.2013, based on the terms of settlement, dated 13.04.2015, entered under Section 12(3) of the



Industrial Disputes Act, 1947 and for a further direction to pay him the difference amount in his salary for the period from 01.09.2013 to 30.09.2013 and to pay him the difference in retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.10.2013 to till date together with interest at the rate of 18% per annum, based on the said settlement.

2.The petitioner served as a Conductor in the first respondent Corporation from 21.05.1979 and after reaching the age of superannuation, he retired from service on 30.09.2013. 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 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 respondents, it is for the respondents to consider the same and pass appropriate orders. Hence, the respondents 2 and 3 are directed to consider the representation of the petitioner, dated 28.04.2016 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(CS II)

/True copy/

Sub Assistant Registrar

+1cc to Mr.A.Rahul, Advocate SR.No.49343

+1cc to MR.D.Sivaraman, Advocate SR.No.49330

vs

sm:PV:20/09/2016:2P/3C

W.P(MD).No.16426 of 2016