



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17261 of 2016

S.Deshinamoorthy

... Petitioner

vs.

1) Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

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

3) The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to revise the pay of the petitioner for the period from 01.09.2013 to 30.06.2014 based on the terms of settlement dated 13.04.2015 entered under section 12(3) of 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 30.06.2014 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 01.07.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioner	: Mr.A.Rahul
For R1 & R2	: Mr.D.Sivaraman
For R3	: Mr.A.P.Muthupandian

ORDER

Initially, the petitioner was employed as a Driver in the respondents Transport Corporation and later on, promoted as a Special Grade Driver. He retired from service on 30.06.2014.

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2.His grievance is that he is entitled to revision of scale of pay as per the Settlement entered into under Section 12(3) of the Industrial Disputes Act. Since his pay has not been revised, he has made a representation dated 21.03.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to revise his pay for the period from 01.09.2013 to 30.06.2014, based on the terms of Settlement dated 13.04.2015 entered under section 12(3) of 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 30.06.2014 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 01.07.2014 to till date together with interest at the rate of 18% per annum, based on the said settlement.

3.Learned counsels for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 21.03.2016 and to pass orders.

4.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 21.03.2016, in the light of the Settlement dated 13.04.2015 entered under section 12(3) of Industrial Disputes Act, 1947, and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

nbi

To

1)The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.

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



3) The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1CC to Mr.A.Rahul, Advocate Sr.No.51903

+1CC to Mr.D.Sivaraman, Advocate Sr.No.52375

GJM/SK/SKN/14.10.16-3p-6c

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