



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2016

CORAM :

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P (MD) No.17498 of 2016

V.Prathan Babu

... Petitioner

vs.

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

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

3) The Administrator,
The 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 pay of the petitioner for the period from 01.09.2013 to 28.02.2015 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 28.02.2015 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 01.03.2015 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 Clerk Trainee in the respondents Transport Corporation and later on, promoted as Special Grade Assistant. He retired from service on 28.02.2015.



2.His grievance is that he is entitled to revision of scale of pay as per the Settlement dated 13.04.2015. Since his pay has not been revised, he made a representation dated 22.03.2016 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 28.02.2015 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 28.02.2015 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 01.03.2015 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 22.03.2016 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 22.03.2016, in the light of the Settlement dated 13.04.2015 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(Records)

/True Copy/

Sub Assistant Registrar

To

- 1)The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.
- 2)The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam Region, Kumbakonam.
- 3)The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1 cc to Mr.A.Rahul, Advocate in SR 53225

+1 cc to Mr.D.Sivaraman, Advocate in SR 53401

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anr/km/21.10.2016/2p/6c

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W.P (MD) No.17498 of 2016
19.09.2016