



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20308 of 2016

S.Selvaraj

... 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-600 002.

... 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 petitioner's pay for the period from 01.09.2013 to 31.03.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 by giving pay revision at the rate of 5.5% with enhanced DA at the rate of 100% and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.03.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits including uniform stitching charge for the year 2013-14, arrears of difference in monthly pension based on revised dearness allowance from 01.04.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For R1 & R2
For R3

: Mr.A.Rahul
: Mr.D.Sivaraman
: Mr.A.P.Muthupandian

**ORDER**

The petitioner was employed as Traffic Inspector in the respondents Transport Corporation; he retired from service on 31.03.2014; his grievance is that he is entitled to revision of scale of pay in terms of the settlement dated 13.04.2015 under Section 12(3) of the Industrial Disputes Act, 1947; since his pay was not revised, he made a representation dated 09.11.2015 therefor; that representation was not considered and therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.03.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 by giving pay revision at the rate of 5.5% with enhanced DA at the rate of 100% and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.03.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits including uniform stitching charge for the year 2013-14, arrears of difference in monthly pension based on revised dearness allowance from 01.04.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

2.Learned counsels for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 09.11.2015 and to pass orders.

3.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 09.11.2015, in the light of the terms of settlement dated 13.04.2015 under Section 12(3) of the 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 (CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 62892
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 62810