



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.11.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.21732 of 2016

P.Durai

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam
Thanjavur District.

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

3.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer: 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 1.9.2013 to 30.09.2014 based on the terms of settlement dated 13.4.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the petitioner the difference amount in his salary for the period from 1.9.2013 to 30.09.2014 and to pay difference in the petitioner retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him together with a reasonable rate of interest per annum based on the said settlement.

For Petitioner ... Mr.N.Sudhagar Nagaraj

For R1 & R2 ... Mr.D.Sivaraman

For R3 ... Mr.A.P.Muthupandian

**O R D E R**

This writ petition has been filed seeking a direction to the respondents to revise the petitioner's pay for the period 1.9.2013 to 30.09.2014 based on the terms of settlement dated 13.4.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the petitioner the difference amount in his salary for the period from 1.9.2013 to 30.09.2014 and to pay difference in the petitioner retirement benefits including monthly pension gratuity leave salary commuted value of pension and all other attendant benefits payable to him together with a reasonable rate of interest per annum based on the said settlement.

2.The petitioner was employed as Special Grade Driver in the respondent Corporation and he retired from service on 30.09.2014, on reaching the age of superannuation.

3.The learned counsel for the petitioner submitted that by settlement dated 13.04.2015, the respondents agreed to grant the petitioner the revised basic pay. Clause 1 of the said settlement deals with the fixing revised basic pay as on 31.08.2013. He is entitled to revision of pay from 01.09.2013 to 30.09.2014 and revision of retirement benefits based on the new basic pay introduced by the respondents. The Petitioner made a representation dated 15.10.2016 to the respondents to revise the pay and retirement benefit as per Clause 1 of the settlement dated 13.04.2015. Since the said representation was not considered, the petitioner has come forward with the present writ petition.

4.Learned Standing counsel for the respondents 1 and 2 submitted that it is agreeable for the respondents 1 and 2 to consider the representation of the petitioner dated 15.10.2016 and to pass orders.

5.Recording the above submission, this Writ Petition is disposed of directing the second respondent to consider the representation of the petitioner dated 15.10.2016, and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar



To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam
Thanjavur District.

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

3.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to m/s N.Sudhagar Nagaraj, Advocate, SR No 70055
+1cc to M/s D.Sivaraman, Advocate, SR No 69896

rj2

ms/gsv/sv/19.01.2017/3p.6c

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