



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22201 of 2016

R.Masilamani

... 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.,
Nagapattinam Region,
Nagapattinam.

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

... Respondents

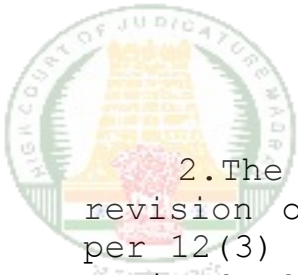
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to grant the petitioner the 5th review benefit and to revise, re-fix pay of the petitioner for the period from 01.09.2013 to 31.05.2014 based on the terms of settlement 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 31.05.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.06.2014 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

ORDER

Initially, the petitioner was employed as a Driver in the respondents Transport Corporation and later on, promoted as Special Grade Driver. He retired from service on 31.05.2014.



2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Special Grade Driver as per 12(3) settlement dated 13.04.2015. Since his pay has not been revised, he made a representation dated 20.06.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to to revise his pay in the post of Special Grade Driver in terms of 12(3) Settlement dated 13.04.2015 and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.05.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.06.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

3.Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 20.06.2016 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 20.06.2016, in the light of 12(3) 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(AS)

/True Copy/

Sub Assistant Registrar

mj

+1cc to Mr.A.Rahul Advocate Sr.No. 71092

+1cc to Mr.D.Sivaraman Advocate Sr.No. 71314

JAM/19.12.16/PV/2p-3c

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