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BEFORE THE MADURAI BENCH OF MADRAS HIGH COUT

DATED : 23.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.22503 of 2016

T.Velayutham ...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 House,
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 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 her the difference amount in her 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 settlement.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R - 3 : Mr.A.P.Muthupandian

ORDER

Initially the petitioner was employed as Conductor in the respondents Corporation and later on, promoted as Selection Grade Conductor. He retired from service on 30.06.2014.

2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Selection Grade Conductor as per 12(3) settlement dated 13.04.2015. Since his pay has not

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been revised, he made a representation dated 10.11.2016 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 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 her the difference amount in her 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 settlement.

3.Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 10.11.2016 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 10.11.2016, 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(T&P)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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 House,
Pallavan Salai, Chennai -2.

+1cc to M/s.A.Rahul, Advocate in SR.72118
+1cc to M/s.D.Sivaraman, Advocate in SR.72172

W.P(MD)No.22503 of 2016
23.11.2016

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