



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.12.2016
CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA
W.P(MD)No.23201 of 2016

WEB COPY

C.Gunasekaran

.. 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.,
Pudukottai Region, Pudukottai.

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

.. Respondents

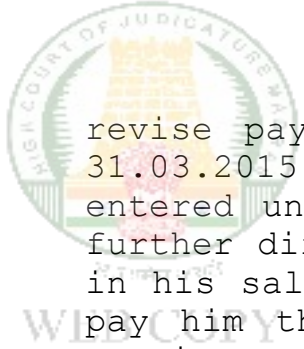
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revise pay of the petitioner for the period from 01.09.2013 to 31.03.2015 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial 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 31.03.2015 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 01.04.2015 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioner	: Mr.A.Rahul
For Respondents 1 and 2	: Mr.D.Sivaraman
For Respondent No.3	: Mr.A.P.Muthupandian

ORDER

Initially, the petitioner was employed as a Conductor in the respondents Transport Corporation and later on, promoted as Senior Grade Conductor. He retired from service on 31.03.2015.

2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Senior Grade Conductor as per 12(3) 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 pay of the petitioner for the period from 01.09.2013 to 31.03.2015 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 31.03.2015 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 01.04.2015 to till date together with interest at the rate of 18% per annum based on the said settlement.

3.The learned counsel 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 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(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+1 cc to Mr.A.Rahul,Advocate Sr.No.74766

+1 cc to Mr.D.Sivaraman,Advocate Sr.No.78279

ORDER MADE IN
W.P(MD)No.23201 of 2016