

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.12.2016

CORAM:

THE HON'BLE **MR.JUSTICE R.SURESH KUMAR**

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W.P (MD) Nos.23554 & 23555 of 2016

S.Murugesan ... Petitioner in W.P.(MD).No.23554/2016
C.Sukumaran ... Petitioner in W.P.(MD).No.23555/2016

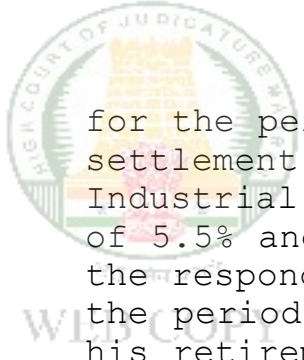
Vs.

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

... Respondents in both W.Ps.

Prayer in W.P. (MD).No.23554/2016: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to revise the petitioner's pay 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.

Prayer in W.P. (MD).No.23555/2016: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to revise the petitioner's pay



for the period from 01.09.2013 to 31.12.2013 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% and by granting third review benefit and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.12.2013 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 01.01.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioners : Mr.A.Rahul

For R1 & R2 in both W.Ps. : Mr.D.Sivaraman

For R3 in both W.Ps. : Mr.A.P.Muthupandian

C O M M O N O R D E R

The prayer in both the writ petitions is for a Writ of Mandamus directing the respondents to revise the petitioners' pay, based on the terms of settlement, dated 13.04.2015, entered under Section 12(3) of Industrial Disputes Act, 1947 and to pay difference in their retirement benefits.

2. Though the petitioners have come out with the aforesaid prayer, the learned counsel appearing for the petitioners would submit that the petitioners would be satisfied, if a direction is issued to the respondents to consider and decide the representation given by the petitioners to the respondents 2 and 3 on 14.07.2016 and 25.11.2016 respectively, for granting of pay revision pursuant to Section 12(3) settlement entered into between the Management and the workers.

3. Mr.D.Sivaraman, the learned Standing counsel accepts notice on behalf of the respondents 1 and 2 and Mr.A.Muthupandian, the learned Standing counsel accepts notice on behalf of the third respondent and it was also brought to the notice of this Court that when similar issue has come up for consideration, directions were issued for considering the request of the respective petitioners, for the relief of fixation of pay, pursuant to Section 12(3) settlement.

4. Considering the said submissions made by the learned counsel appearing for both sides, these writ petitions are disposed of with a direction to the respondents 2 and 3 to consider the representations of the petitioners dated 14.07.2016 and 25.11.2016 respectively and to decide the same on merits and in accordance with law, of course, pursuant to Section 12(3) settlement entered into between the parties, within a period of eight weeks from the date of receipt of a copy of this order.



5. With these directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Admin)

/True copy/

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Sub Assistant Registrar

To

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

+2 cc's to M/s.A.Rahul, Advocate in SR.Nos. 79197 & 79198

+4 cc's to M/s.B.Sivaraman, Advocate
in SR.Nos. 78874, 78875, 79442 and 79443

akv

CSL/GSV-PM/02.01.2017 : 3P/10C

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