



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

CORAM :

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.23581 of 2016

K.Parameswaran Pillai

.. Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.
Rep. by its Managing Director,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Nagercoil,
Kanyakumari District.

.. Respondents

Prayer:- Petition is 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 pay for the period from 01.09.2013 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act and further directing the respondents to pay the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 31.07.2014 and to pay difference in the petitioner's retirement benefits including Monthly pension, gratuity, Leave Salary, Commuted Value of pension and all other attendant benefits payable to the petitioner together with interest at the rate of 18% per annum based on the said settlement.

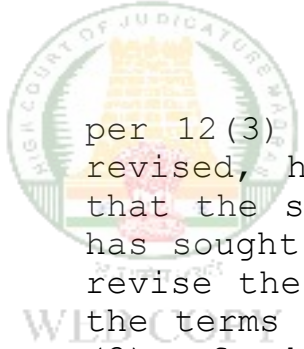
For Petitioner : Mr.S.Sivanesan

For Respondents : Mr.K.Sathiyasingh

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 30.04.2014.

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 28.11.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to revise the petitioner pay for the period from 01.09.2013 based on the terms of settlement dated 13.04.2015 entered under Section 12 (3) of the Industrial Disputes Act and further directing the respondents to pay the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 31.07.2014 and to pay difference in the petitioner's retirement benefits including Monthly pension, gratuity, Leave Salary, Commuted Value of pension and all other attendant benefits payable to the petitioner 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 28.11.2016 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 28.11.2016, 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(CO)

/True copy/

Sub Assistant Registrar

To

+1 cc to M/s.K.Sathiya Singh, Advocate in SR.No. 79657

smn

CSL/SS-2/03.01.2017 : 2P/2C

**ORDER MADE IN
W.P(MD)No.23581 of 2016
02.12.2016**