



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM:

THE HONOURABLE Mr.JUSTICE **S.VAIDYANATHAN**

WEB COPY

W.P.(MD)Nos.24239 and 24240 of 2016

W.P.(MD)No.24239 of 2016:

S.Thanabal

... 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

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 30.04.2014 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 3rd review benefit and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 30.04.2014 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 01.05.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

W.P.(MD)No.24240 of 2016:

M.Karunakaran

... 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.,
Karaikal Region, Karaikudi.



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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 28.02.2014 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 3rd review benefit and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 28.02.2014 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 01.03.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioners : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman for R1 and R2
Mr.A.P.Muthupandian for R3

COMMON ORDER

The petitioners seek for a Writ of Mandamus, directing the respondents to revise their pay in 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 3rd review benefit and further directing the respondents to pay the difference amount of their salary for the above said periods and also to pay difference in their retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits together with interest at the rate of 18% per annum based on the said settlement.

2.Mr.D.Sivaraman, learned standing counsel takes notice for the respondents 1 and 2 and Mr.A.P.Muthupandian, learned counsel takes notice for the 3rd respondent. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioners submitted that it would suffice if the representations of the petitioners dated 26.11.2016 and 30.11.2016 are disposed of in terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 within a time frame to be fixed by this Court.

4.In view of the limited scope of the prayer, without going into the merits of the matter, respondents are directed to consider the representations of the petitioners, dated 26.11.2016



and 30.11.2016 in terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 on merits and in accordance with law and pass appropriate orders within a period of 6 weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petitions stand disposed of. 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 Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.
3. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.
4. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

+1cc to Mr.D.Sivaraman Advocate in SR. No.82526

+1cc to Mr.A.Rahul Advocate in SR. No.82253

NBJ

JS/CM/MSA/20.02.2017/3P-6C

W.P. (MD) No.24239 of 2016
20.12.2016