



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.24241 of 2016

V.Prabhakaran

... 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.,
Karaikudi Region, Karaikudi.

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

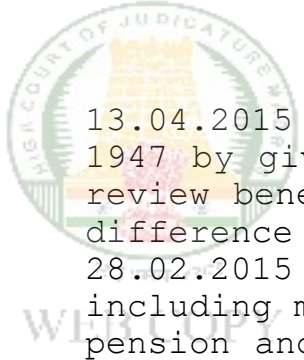
... Respondents

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 28.02.2015 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 28.02.2015 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 01.03.2015 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 : Mr.D.Sivaraman for R1 and R2
Mr.A.P.Muthupandian for R3

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 28.02.2015 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 28.02.2015 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 01.03.2015 to till date together with interest at the rate of 18% per annum based on the said settlement.

2.The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner dated 25.11.2016 is disposed of in the light of Section 12(3) of Industrial Disputes Act, 1947, on merits and in accordance with law, within a time frame to be fixed by this Court.

3.In view of the limited scope of the prayer, without going into the merits of the matter, respondents are directed to consider the representation of the petitioner, dated 25.11.2016 in the light of Section 12(3) of Industrial Disputes Act, 1947 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

4.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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

- + 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 82254
- + 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 82528

NBJ