



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

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CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.24420 of 2016

C.Subramanian

... 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.,
Kumbakonam Region, Kumbakonam.

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, praying for the issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.10.2013 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 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 31.10.2013 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 01.11.2013 to till date together with interest at the rate of 18% per annum based on the said settlement.



For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

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ORDER

The petitioner was employed as a Special Grade Conductor. He retired from service on 31.10.2013. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. Since his pay was not revised, he made a representation dated 15.06.2016 therefor and that the same has not been considered. Therefore, this writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.10.2013 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 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 31.01.2013 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 01.11.2013 to till date together with interest at the rate of 18% per annum based on the said settlement.

2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 15.06.2016 within a time frame.

3.Recording the above submissions, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 15.06.2016, in the light of the terms of settlement dated 13.04.2015 entered under Section 12 (3) of Industrial Disputes Act, 1947, 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(Crl.side)

/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.,
Kumbakonam Region, Kumbakonam.

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

+1 cc to M/s.A.Rahul, Advocate in SR.No. 82665

+1 cc to M/s.D.Sivaraman, Advocate in SR.No. 82567

NBI

TE/SS-3/SAR-I/30.12.2016 :3P/6C

W.P (MD) No.24420 of 2016
21.12.2016