



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.06.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.11648 of 2017

K.Mani

...Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

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

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents to revise the petitioner's terminal benefits including gratuity, leave salary, commutation, pension and all other attendant retrial benefits by extending pay revision at the rate of 5.5% of his basic pay and grade pay with effect from 01.09.2013 and to settle arrears of difference in terminal benefits to him 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
Standing Counsel for TNSTC

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's terminal benefits including gratuity, leave salary, commutation, pension and all other attendant retrial benefits by extending pay revision at the rate of 5.5% of his



basic pay and grade pay with effect from 01.09.2013 and to settle arrears of difference in terminal benefits to him together with interest at the rate of 18% per annum based on the said settlement.

2. Mr.D.Sivaraman, learned Standing Counsel for TNSTC takes notice for the respondents.

3. By consent the Writ Petition itself is taken up for final disposal.

4. Though the Writ Petition is for issuing a Writ of Mandamus to give a positive direction to the respondents, the learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the respondents, to consider the representation of the petitioner, dated 05.08.2016, in the light of the settlement under Section 12(3) of the Industrial Disputes Act, dated 13.04.2015.

5. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction:-

"The respondents 1 and 3 are directed to consider the representation of the petitioner dated 05.08.2016, in the light of the settlement under Section 12(3) of the Industrial Disputes Act, dated 13.04.2015, and 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."

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Branch) Limited,
Kumbakonam.



2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

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. 61792
+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 61742

trp
AE/KKR/SAR1/SAR1/03.07.2017/3P/6C

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