



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD) No.15237 of 2017

M.Durairaj

.. Petitioner

Versus

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.,
Trichy Region,
Trichy.

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

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refix and revise the petitioner's pay for the period from 01.09.2013 to 31.05.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947 by giving pay revision at the rate of 5.5% and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 31.05.2014 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 01.06.2014 to till date together with interest at the rate of 18% per annum based on the said settlement and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

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

For R3 : Mr.A.P.Muthupandian

O R D E R

Mr.D.Sivaraman, learned counsel takes notice for the respondents 1 and 2 and Mr.A.P.Muthupandian, learned counsel takes notice for the third respondent. By consent, the Writ Petition is taken up for final disposal.

WEB COPY

2.The petitioner after rendering 31 years of service in the Tamil Nadu State Transport Corporation [Kumbakonam] Limited retired from service on 31.05.2014 as Special Grade Driver. While so, the grievance of the petitioner shows that when the settlement was reached under Section 12(3) of the Industrial Disputes Act, 1947 on 01.09.2013, he was entitled to have the benefit of settlement by revising his pay from 01.09.2013 to 31.05.2014 at the rate of 5.5% computed from his existing basic pay and grade pay drawn by him as on 31.08.2013, but the said benefit has not been extended to him, therefore, he made a representation dated 10.07.2017 to the respondents 1 and 2 seeking the aforesaid benefits. Finding no response, he has been advised to come to this Court.

3.The learned standing counsel for the respondents submitted that the Corporation would consider the said representation of the petitioner dated 10.07.2017 in the light of the settlement dated 13.04.2015, entered into under Section 12(3) of the Industrial Disputes Act, 1947 and pass appropriate orders within a time frame to be fixed by this Court.

4.Recording the abovesaid submission of the learned Standing Counsel for the Corporation, the respondents are directed to consider the representation of the petitioner, dated 10.07.2017, in the light of the settlement dated 13.04.2015, entered into under Section 12(3) of the Industrial Disputes Act, 1947, 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.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.A.RAHUL Advocate in SR. No.72675

+1cc to Mr.D.SIVARAMAN Advocate in SR. No. 72769

SMN2/MM

JS/SV.MMS/SAR.1/8.9.2017/2P-3C

W.P. (MD) No.15237 of 201716.08.2017