



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD)No.1839 of 2017

WEB COPY

P.Gunasekaran

... Petitioner

vs.

1)The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.
Railway Station Road,
Kumbakonam.Thanjavur District.

2)The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Periyamilaguparai, Trichy

3)The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition 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 28.12.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the Petitioner the difference amount in his salary for the period from 01.09.2013 to 28.2.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable together with interest per annum based on the said settlement.

For Petitioner	: M/s.N.Sudagar Nagaraj
For R1 & R2	: Mr.D.Sivaraman
For R3	: Mr.A.P.Muthupandian
	Standing Counsel

**ORDER**

The petitioner was employed as a Special Grade Checking Inspector. He retired from service on 28.2.2014. 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 26.11.2016 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 28.2.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947, and further directing the respondents to pay the Petitioner the difference amount in his salary for the period from 01.09.2013 to 28.2.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable together with interest 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 26.11.2016 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 26.11.2016, 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(CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.N.Sudhagar Nagaraj ,Advocate, SR.No.5938

+1cc to Mr.D.Sivaraman ,Advocate, SR.No.6518

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