



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**W.P.(MD).No.4435 of 2017

T.Rajaraman, S/o.N.Thiyagarajan,
Senior Driver(Retired), Staff No.6953,
State Express Transport Corporation (Tamilnadu) Ltd.,
Kumbakonam Branch. ..Petitioner

Vs.

1.State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Represented by its Managing Director,
Pallavan Salai, Chennai-02

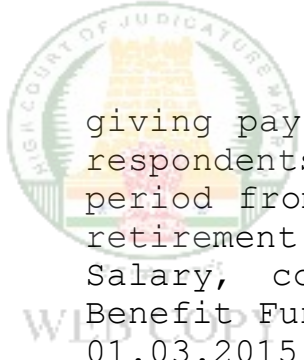
2.The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002. ..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct 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 Section12(3) of 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 28.02.2015 and to pay difference in his retirement benefits including monthly Pension, Gratuity, Leave Salary, commuted Value of Pension and to pay Post Retirement Benefit Fund arrears 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 Respondent : Mr.K.Sathiya Singh
Standing Counsel for T.N.S.T.C.,

ORDER

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 28.02.2015 based on the terms of settlement, dated 13.04.2015 entered under Section12(3) of 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 28.02.2015 and to pay difference in his retirement benefits including monthly Pension, Gratuity, Leave Salary, commuted Value of Pension and to pay Post Retirement Benefit Fund arrears 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. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. Mr.K.Sathiya Singh, learned Standing Counsel for T.N.S.T.C., takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. Though the Writ petition is for issuing a positive direction, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the respondents to consider the representation of the petitioner, dated 21.12.2016.

5. Considering the limited scope of the request of the learned counsel for the Writ petitioner, without expressing any opinion on the merits of the matter, this Court is inclined to issue the following direction:-

"The respondents are directed to consider the representation of the petitioner, dated 21.12.2016, and pass appropriate orders on merits and in accordance with law in the light of the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947, within a period of eight weeks from the date of receipt of a copy of this order."

6. Accordingly, the Writ petition is disposed of. No costs.

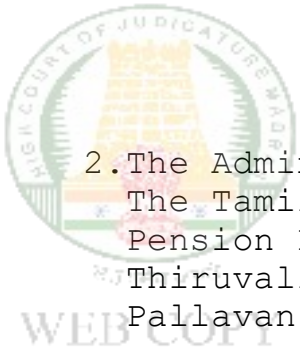
Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

<https://hccsecretservices.com/press>
1. State Transport Corporation (Tamil Nadu) Ltd.,
Represented by its Managing Director,
Pallavan Salai, Chennai-02.



2.The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

+1cc to M/S.K.Sathiya singh, Advocate SR.No.15291
+1cc to M/S.A.Rahul, Advocate SR.No.15243

ORDER MADE IN
W.P. (MD) .No.4435 of 2017
16.03.2017

JM/SKN RSK/28.03.2017/3P/5C