



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.4531 of 2017

K.Ganesan, S/o.Kalimuthu,
Selection Grade Conductor (Retired),
Staff No.89CR3034/14821,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region. ..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,
Karaikudi Region, Karaikudi.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix and revise the petitioner's pay for the period from 01.09.2013 to 30.06.2014 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 further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 30.06.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable form 01.07.2014 to till date together with interest at the rate of 18% per annum based on the said settlement.



For Petitioner : Mr.A.Rahul
For R-1and R-2 : Mr.D.Sivaraman,
Standing Counsel for TNSTC
For R-3 : Mr.A.P.Muthupandian,
Standing Counsel for TNSTC

ORDER

This Writ petition has been filed by the petitioner 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 30.06.2014 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 further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 30.06.2014 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 01.07.2014 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 for TNSTC appearing for the respondents.

3. Mr.D.Sivaraman, learned Standing Counsel, takes notice for the first respondent and Mr.A.P.Muthupandian, learned Standing Counsel takes notice for the respondents 2 and 3. 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 1 and 3 to consider the representation of the petitioner, dated 05.01.2017 within the time frame fixed by this court, taking into account the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947.

5. Having regard to the limited scope of the prayer now sought for by 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:-

<https://hcservices.ecourts.gov.in/hcservices/> The respondents are directed to consider the representation of the petitioner, dated



05.01.2017, 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."

WEB COPY

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

Sd/-

Assistant Registrar(C)

/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,
Karaidudi Region, Karaikudi.

+1 cc to Mr.A.Rahul , Advocate in SR.No. 15567

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 15607

pmu

JS/SV MMS/SAR4/04.04.2017/3P/5C

ORDER MADE IN
W.P. (MD) .No.4531 of 2017
17.03.2017