



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.5870 of 2017**

M.Muniyasmay

... Petitioner

Vs.

1. The 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 31.01.2015 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 31.01.2015 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 01.02.2015 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioner	: Mr. A.Rahul
For R-1 & R-2	: Mr. K.Sathiyasingh 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 31.01.2015 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 31.01.2015 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 01.02.2015 to till date together with interest at the rate of 18% per annum based on the said settlement.

2. Heard Mr. A.Rahul, the learned Counsel appearing for the petitioner, Mr. K.Sathiyasingh, the learned Standing Counsel appearing for the respondents 1 & 2 and Mr. A.P. Muthupandian learned Standing Counsel appearing for the 3rd respondent.

3. K.Sathiyasingh learned Government Advocate takes notice for the respondents No.1 & 2 and Mr A.P. Muthupandian takes notice for the Respondent No.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 to consider the representation of the petitioner, dated 15.01.2017 in the light of the settlement dated 13.04.2015 entered, under section 12(3) of Industrial Disputes Act, 1947 within the time stipulated by this court.

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

"The respondents are directed to consider the representation of the petitioner, dated 15.01.2017, in the light of the terms of settlement dated 13.04.2015 entered, under section 12(3) of Industrial Disputes Act, 1947 and pass appropriate orders on merits and in accordance with law, 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 (Protocol)

/True copy/



To

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-9.
2. The Director of Medical and Rural Health Services (ESI),
Chennai-600 006.
3. The Medical Superintendent,
E.S.I.Hospital,
Sivakasi Post,
Virudhunagar District.

+1 CC to M/s.D.SIVARAMAN, Advocate, SR No. 50308

+1 CC to M/s.A.RAHUL, Advocate, SR No. 50563

CP/TA

PSM/RR/SAR2/19.04.2017/3P/6C

ORDER MADE IN
W.P.(MD).No.5870 of 2017
05.04.2017