

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 12.04.2017****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) .No.6545 of 2017**

S.Karunanithi, S/o.R.Sankaran,
Traffic Manager(Retired), Staff No.79TS1008,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region. ..Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonm Region, Kumbakonam.
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant the petitioner the 4th and 5th review benefits and to revise his pay in the post of Checking Inspector with retrospective effect from 25.01.2011 in terms of Government Order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and as per settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference amount in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 01.07.2015 to till date together with interest at the rate of 18% per annum.

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

**ORDER**

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to grant the petitioner the 4th and 5th review benefits and to revise his pay in the post of Checking Inspector with retrospective effect from 25.01.2011 in terms of Government Order in G.O.Ms.No.61, Transport (C) Department, dated 30.04. 2015 and as per settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference amount in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 01.07.2015 to till date together with interest at the rate of 18% per annum.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2 and learned counsel appearing for the third respondent.

3. Mr.D.Sivaraman, learned Standing 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 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 14.12.2016.

5. Considering the limited scope of the prayer now sought for by the learned counsel for the petitioner before this Court, 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 14.12.2016, and pass appropriate orders on merits and in accordance with law, in the light of the terms of settlement dated 22.01.2011 entered under Section 12(3) of Industrial Disputes Act, 1947, and G.O.Ms.No.61 Transport(C) Department, dated 30.04.2015 within a period of six 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(CS-II)



+1cc to Mr.D.Sivaraman, Advocate Sr.No.51701

+1cc to Mr.A.Rahul, Advocate Sr.No.51639

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vb/jc/04.05.2017/3p/3c

**ORDER MADE IN
W.P. (MD) .No.6545 of 2017
12.04.2017**