



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**W.P.(MD).Nos.7234 of 2017

WEB COPY

G.Annavi

..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,
Thirvalluvar House, Pallvan Salai,
Chennai - 600 002.

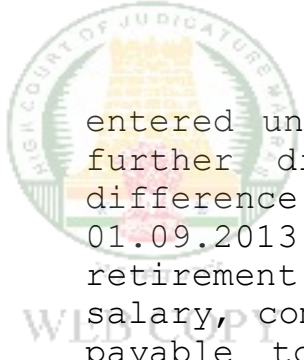
.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue 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 Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the petitioner, the difference amount in the petitioner's salary for the period from 01.09.2013 to 28.02.2015 and to pay difference in the petitioner's retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with a reasonable rate of interest per annum based on the said settlement.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For Respondent 1&2	: Mr.D.Sivaraman Standing Counsel
For Respondent 3	: Mr.A.P.Muthupandian Standing Counsel

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 31.01.2014 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 the petitioner's salary for the period from 01.09.2013 to 31.01.2014 and to pay difference in the petitioner's retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with a reasonable rate of interest per annum based on the said settlement.

2. Heard the learned counsel appearing for the petitioner and the the learned Standing Counsel appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the respondent 3.

3. Mr. D. Sivaraman, learned Standing Counsel, takes notice for the respondents 1 and 2 and Mr. A. P. Muthupandian, learned Standing 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 submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the representation of the petitioner, dated 19.11.2016 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:-

"The respondents are directed to consider the representation of the petitioner, dated 19.11.2016, and pass appropriate orders on merits and in accordance with law, in the light of the terms of settlement dated 13.04.2015 entered into 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 (P & A)

/True Copy/

Sub Assistant Registrar



To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.
2. The General Manager,
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Corporation (Kumbakonam) Ltd.,
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3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thirvalluvar House, Pallvan Salai,
Chennai - 600 002.

+1cc to M/S.N.Sudhagar Nagaraj, Advocate SR.No.52983

+1cc to M/S.D.Sivaraman, Advocate SR.No.52927

ORDER MADE IN
W.P. (MD) .Nos.7234 of 2017
20.04.2017

JM/RSK/05.05.2017/3P/6C