



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P.(MD).Nos.7246 of 2017

B.Jayachandran,
S/o.Balasubramanian,
Selection Grade Tradesman (Retired),
Staff No. 79TH3015,
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,
Thirvalluvar Illam, 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 refix and revise the petitioner's pay for the period from 01.09.2013 to 30.09.2013 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 30.09.2013 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 01.10.2013 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 1&2 : Mr.D.Sivaraman

Standing Counsel

For Respondent 3 : Mr.A.P.Muthupandian

Standing Counsel

O R D E R

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 30.09.2013 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 the petitioner, the difference amount in the petitioner's salary for the period from 01.09.2013 to 30.09.2013 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 from 01.10.2013 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 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 17.03.2017 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:-

"The respondents are directed to consider the representation of the petitioner, dated 17.03.2017, and pass appropriate orders on merits and in accordance with law, in the light of the terms of settlement dated 13.04.2015 entered 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.

WEB COPY

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.A.Rahul, Advocate, SR.No.53025

+One cc to Mr.D.Sivaraman, Advocate, SR.No.52936

KM

RL/3C/3P/RR/4.5.2017

ORDER MADE IN
W.P. (MD).Nos.7246 of 2017

20.04.2017