



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**
W.P. (MD) .No.8986 of 2018

WEB COPY

R.Jeyam

: Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.09.2013 in terms of settlement entered under Section 12(3) of the I.D.Act, dated 13.04.2015 and to pay his arrears of salary from 01.09.2013 to 30.11.2013 and difference in retirement benefits including difference in gratuity, difference in pension, difference in commutation and difference in earned leave salary payable from 01.12.2013 together with interest at the rate of 18% per annum within the time stipulated by this Court.

For Petitioner

: Mr.A.Rahul

For Respondents

: Mr.D.Sivaraman

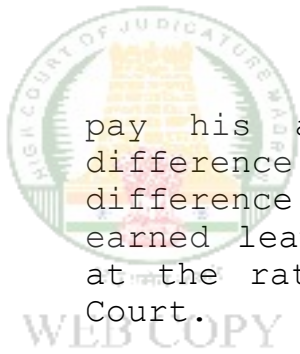
Standing Counsel for RR1 & 2

: Mr.A.P.Muthupandian

Standing Counsel for R3

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.09.2013, in terms of settlement entered into under Section 12(3) of I.D.Act, dated 13.04.2015 and to



pay his arrears of salary from 01.09.2013 to 30.11.2013 and difference in retirement benefits including difference in gratuity, difference in pension, difference in commutation and difference in earned leave salary payable from 01.12.2013 together with interest at the rate of 18% per annum within the time stipulated by this Court.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.A.P.Muthupandian, learned Standing Counsel appearing for the third respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner, after having worked as Technician in the respondent Corporation retired from service. Since there had been a settlement entered into between the employees of the respondent Transport Corporation and the employer under Section 12(3) of the Industrial Disputes Act, 1947, [for brevity, "the Act"], according to which there should be a pay hike at the rate of 5.5% to all these employees, who are covered under the said settlement, the said enhancement of pay shall be made and the arrears of amount shall be calculated and disbursed to the petitioner. The learned counsel would further submit that, since the same has not been done, the petitioner has made a representation on 18.04.2018 to the respondent Corporation and if a direction is given to the respondents 2 and 3 to consider the said representation and pass orders thereon based on 12(3) settlement, the petitioner would be satisfied.

4. In this regard, the learned counsel for the petitioner would submit that similar requests made by the similarly placed persons in a batch of Writ Petitions were considered and orders to that effect were also passed and he produced one such order made in W.P.(MD). Nos.9580 and 9581 of 2018, dated 26.04.2018 passed by this Court in this regard.

5. I have heard Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents 1 and 2, who would fairly submit that the request of the petitioner would be considered by the second respondent, in the light of the settlement entered into between the employer and the employees of the Transport Corporation under Section 12(3) of the Act and accordingly, necessary orders would be passed with regard to the pay hike at the rate of 5.5% and disbursement of arrears to the petitioner.

6. I have perused the earlier orders passed by this Court in **W.P. (MD) .Nos.9580 and 9581 of 2018.** dated **26.04.2018**, wherein I have passed the following order:-

"4.The learned counsel appearing for the petitioners, would submit that the petitioners, who are working as Driver and Conductor respectively at the first respondent corporation, retired from service with effect from 28.02.2015. Between the



To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Karaikudi.
3. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

+1cc to Mr.A.Rahul, Advocate Sr.No.66889
+1cc to Mr.D.Sivaraman, Advocate Sr.No.66718

SJI/NB

KM/PM/SAR2/20.12.2018/4P/6C

**ORDER MADE IN
W.P. (MD) .No.8986 of 2018
05.06.2018**