



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.12422 of 2018

S.Thillaiammal

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
rep. by its Managing Director,
Kumbakonam.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to revise the pay of the petitioner's husband Late.T.Sivaji 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 06.03.2014 and difference in retirement benefits including difference in gratuity, difference in family pension and difference in earned leave salary together with interest at the rate of 18% per annum payable from 06.03.2014 within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondents to revise the pay of the petitioner's husband Late.T.Sivaji 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 06.03.2014 and difference in retirement benefits including difference in gratuity, difference in family pension and difference in earned leave salary together with interest at the rate of 18% per annum payable from 06.03.2014 within the time



stipulated by this Court.

2. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner's husband was working as a Driver at the respondent Corporation and died in harness on 06.03.2014. However, a sum of Rs.75,240/- payable to the petitioner has been withheld and also 5.5% pay hike from 01.09.2013 based on 12(3) Settlement under I.D.Act has also not been given. Demanding on those pay benefits including the pay hike of 5.5% as per 12(3) settlement, the petitioner had given representation to the respondents on 10.03.2018 and 12.04.2018 and the said representations since have not been considered, the petitioner is before this Court.

4. The learned counsel for the petitioner would further submit that, if the said representations of the petitioner are directed to be considered and an order to that effect is directed to be passed, the petitioner would be satisfied.

5. I have heard Mr.D.Sivaraman, learned counsel appearing for the respondents, who would submit that the said representations of the petitioner would be considered on merits and in accordance with law and an order to that effect would be passed, within a time frame, that may be fixed by this Court.

6. Considering the limited scope of the writ petition, this writ petition is disposed of with the following direction:

"The respondents are directed to consider the representations of the petitioner dated 10.03.2018 and 12.04.2018 with regard to the pay arrears of difference and pay hike based on 12(3) Settlement under I.D.Act, and pass orders thereon, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)



+1 CC To MR.D.SIVARAMAN, Advocate SR. NO.67815

+1 CC To MR.A.RAHUL, Advocate SR. NO. 68102

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12.06.2018

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