



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12480 of 2018

S.Boopalan

... Petitioner

-Vs-

1.The Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to fix the petitioner's pay and grade pay at Rs.9300-34800+4300/- with retrospective effect from 01.09.2010 and consequently directing the respondents to revise and re-fix the petitioner's retirement benefits and to pay other attendant monetary benefits based on the new scale of pay of Rs.9300-34800+4300 (Grade Pay) and to disburse the difference in retirement benefits to him with interest at the rate of 18% per annum payable from 01.09.2010 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner	: Mr.Y.Arulanandasamy
For Respondents	: Mr.D.Sivaraman, Standing Counsel.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the respondents to fix the petitioner's pay and grade pay at Rs.9300-34800+4300/- with retrospective effect from 01.09.2010 and consequently, directing the



respondents to revise and re-fix the petitioner's retirement benefits and to pay other attendant monetary benefits based on the new scale of pay of Rs.9300-34800+4300 (Grade Pay) and to disburse the difference in retirement benefits to him with interest at the rate of 18% per annum payable from 01.09.2010 till the date of actual payment within the time limit that may be fixed by this Court.

2.Heard Mr.Y.Arulanandasamy, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The learned counsel appearing for the petitioner would submit that, the petitioner was working as Checking Inspector at the respondent Corporation and retired from service on 30.09.2010. At that time, the grade pay of the petitioner was Rs.2,600/-. Subsequently, after his retirement, 13th settlement under Section 12(3) of the Industrial Disputes Act was reached between the employees and employers and according to which the grade pay has to be revised from 01.09.2010 notionally and based on which, the petitioner's pensionary benefits has to be revised and paid. In this regard, the petitioner has given a representation to the respondents on 03.03.2018.

5.Therefore, the learned counsel appearing for the petitioner would submit that, if the said representation is directed to be considered and an order to that effect would be passed, the petitioner would be satisfied.

6.I have heard the learned Standing Counsel for the respondents, who would submit that, the petitioner's representation dated 03.03.2018 would be considered on merits and in accordance with law and an order to that effect would be passed within a time frame.

7.Considering the limited scope of the prayer as well as the submissions made by both the learned counsel appearing for the parties, this Writ Petition is disposed of with the following direction:-

"that the respondents 2 and 3 are directed to consider the petitioner's representation dated 03.03.2018, with regard to his grievance of revision of grade pay, of-course notionally from 01.09.2010 and consequently, to pay the pension benefits to be revised in this regard and pass an order 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."



8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS-I)

TO

1. The Managing Director,
Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

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

+1 CC To MR.D.SIVARAMAN, Advocate SR. NO. 67814

+1 CC To MR.A.RAHUL, Advocate SR. NO. 68104

W.P (MD) No. 12480 of 2018
12.06.2018

MYR/RMI

TR/SKN/SAR-I (27.10.2018) 3P 6C