



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.21730 of 2018

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N.Rengaraj,
Son of Narayanasamy,
Record Clerk(Retired),
Staff No.97AC3002/16987,
Tamil Nadu State Transport Corporations
Kumbakonam) Limited,
Ramanathapuram Town Branch,
Karaikudi Region.

Residing at

No.3/845, East Ist Street,
Bharathi Nagar,
Paramakudi, Ramanathapuram District.

... Petitioner

vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revise the Petitioner's scale of pay in the post of Record Clerk with effect from 1.9.2016 as per the settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 and consequently direct the respondents to pay his difference in salary from 1.9.2016 to 30.6.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary and difference amount in monthly pension payable to him based on 13th Wage Settlement dated 4.1.2018 together with interest at 18% per annum payable from the date of the Petitioner's retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner : Mr.A.Rahul

For R1 & R2 : Mr.D.Sivaraman

**ORDER**

The petitioner was employed as a Conductor. He retired from service on 30.6.2017. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. Since his pay was not revised, he made a representation dated 29.09.2018 therefor and that the same has not been considered. Therefore, this writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to revise the Petitioner's scale of pay in the post of Record Clerk with effect from 1.9.2016 as per the settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 and consequently direct the respondents to pay his difference in salary from 1.9.2016 to 30.6.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary and difference amount in monthly pension payable to him based on 13th Wage Settlement dated 4.1.2018 together with interest at 18% per annum payable from the date of the Petitioner's retirement to till the date on which the above monetary benefits are settled to him.

2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 29.09.2018 within a time frame.

3.Recording the above submissions, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 29.09.2018, in the light of the terms of settlement dated 4.1.2018 entered under Section 12(3) of Industrial Disputes Act, 1947, and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. In case, if the Petitioner is found eligible,, the eligible amount shall be disbursed to him within a period of two months thereafter. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

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



+1CC to Mr.A.Rahul, Advocate, SR.No.92083

+1CC to Mr.D.Sivaraman, Advocate, SR.No.92015

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ES/SKN/RSK/SAR 1/10.12.2018/3P/5C