



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P(MD)No.21808 of 2018

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C.Subbaiah,
Son of Chinnaiah,
Driving Instructor(Retired),
Staff No.82TS4060,
Tamil Nadu State Transport Corporation
(Kumbakonam)Limited,
Pudukkottai Region,

Residing at

34, Kalyanaramapuram Ist Street,
Thirukokarnam Post,
Pudukkottai - 620 001.

... Petitioner

vs.

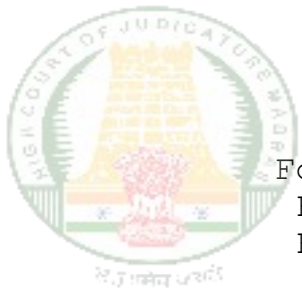
1)The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

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

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

... 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 1 and 2 to refix the Petitioner's pay and grade pay by applying the new scale of pay pf Rs.9300-34800+4300/- to him with retrospective effect from 1.9.2010 in terms of Clause 5 of Settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 and to send necessary pension proposal to the third respondent after paying Management's Provident Fund Contribution for the period from 1.9.2010 to 30.4.2011 based on the new scale and consequently direct the third respondent to revise his pension on the new scale of pay of Rs.9300-34800+4300(Grade Pay and to disburse the new pension together with arrears to him with interest at the rate of 18% pa. Payable from his date of retirement to till the date of actual payment within the time limit fixed by this Court.



For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

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ORDER

The petitioner was employed as a Driving Instructor. He retired from service on 30.04.2011. 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 16.10.2018 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 1 and 2 to refix the Petitioner's pay and grade pay by applying the new scale of pay pf Rs.9300-34800+4300/- to him with retrospective effect from 1.9.2010 in terms of Clause 5 of Settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 and to send necessary pension proposal to the third respondent after paying Management's Provident Fund Contribution for the period from 1.9.2010 to 30.4.2011 based on the new scale and consequently direct the third respondent to revise his pension on the new scale of pay of Rs.9300-34800+4300(Grade Pay and to disburse the new pension together with arrears to him with interest at the rate of 18% pa. Payable from his date of retirement to till the date of actual payment within the time limit fixed by this Court.

2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 16.10.2018 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 16.10.2018, 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. While considering the representation submitted by the Petitioner, the respondents shall also take into account revision of pension, if any, eligible to him and if he is found eligible, the same shall be paid within a period of two weeks thereafter. No costs.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-I)

To

1)The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
<https://hcservices.ecourts.gov.in/hcservices/Kumbakonam>.



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

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

+1cc to Mr.A.RAHUL, Advocate, SR.No. 92096
+1cc to Mr.D.SIVARAMAN, Advocate, SR.No.92018

W.P (MD) No.21808 of 2018
25.10.2018

VSN
KK/RP/SAR-1/28.11.2018/3P-6C