



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.18687 of 2018

WEB COPY

SB.Kesavan

... 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,
Karaikudi Region, Karaikudi, Sivagangai.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to revise the pay of the petitioner as per the Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary to him with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

Standing counsel for TNSTC

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to revise the pay of the petitioner as per the Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary to him with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.



2. The petitioner was employed as Selection Grade Driver in the respondents Corporation and retired from service on 31.08.2017. His grievance is that he is entitled to the 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 21.07.2018 and the same has not been considered. Hence, the petitioner has come forward to file the writ petition with the aforesaid prayer.

3. The learned Standing counsel appearing for the respondents would submit that the respondents would dispose of the representation of the petitioner dated 21.07.2018 within a time frame.

4. In view of the submissions made, the respondents are directed to consider the representation of the petitioner dated 21.07.2018, in the light of the terms of settlement dated 04.01.2018, entered under Section 12(3) of Industrial Disputes Act, 1947, and pass orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. **(*)If the Respondents comes to a conclusion that the petitioner is eligible, the eligible amounts shall be disbursed to him within a period of two months thereafter.**

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sd/-

Assistant Registrar(CS-III)

**(*)Incorporated as per order of
this Court in WP(MD)No.18681 to
18688/2018 dated. 23.10.2018-SVNJ.**

/True Copy/

Sub Assistant Registrar(CS-I)

To

**(*)To be substituted to the order
already despatched on 10.10.2018.**

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

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



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

+1CC to Mr.A.Rahul, Advocate, SR.No.80603

+1CC to Mr.D.Sivaraman, Advocate, SR.No.81116

W.P (MD) No.18687 of 2018
28.08.2018

AKV

ES/SV/SAR 1/05.10.2018/2P/6C

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