



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No. 20014 of 2018

R. Periyasamy

... Petitioner

vs.

1. The Managing Director,
TNSTC (CBE) Ltd.,
Mettupalayam Road,
Coimbatore-641 043.

2. The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Erode Division, Sennimalai Road,
Erode-638 001.

... 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 by considering the representation dated 06.08.2018 to release the gratuity and provident fund balance interest for the belated payment and surrender leave interest and already 60 days leave have been surrendered during service but for the same payment has not been made, therefore that amount with appropriate interest and Dearness Allowances difference amount of 20% to be paid with interest. Example, the DA has been raised from 119% to 139%. But for the petitioner, the difference not paid. The current DA also to be paid with appropriate interest as he got retired on superannuation by 31.05.2016, within a stipulated time fixed by this Court.

For Petitioner : Mr. C. Masilamani
For Respondents : Mr. K. Sathyasingh

ORDER

The petitioner was employed as a Special Grade Conductor. He retired from service on 31.10.2013. 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 06.08.2018 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 by



considering the representation dated 06.08.2018 to release the gratuity and provident fund balance interest for the belated payment and surrender leave interest and already 60 days leave have been surrendered during service but for the same payment has not been made, therefore that amount with appropriate interest and Dearness Allowances difference amount of 20% to be paid with interest. Example, the DA has been raised from 119% to 139%. But for the petitioner, the difference not paid. The current DA also to be paid with appropriate interest as he got retired on superannuation by 31.05.2016, within a stipulated time fixed by this Court.

2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 06.08.2018 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 06.08.2018, in the light of the terms of settlement dated 13.04.2015 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. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Managing Director,
TNSTC (CBE) Ltd.,
Mettupalayam Road,
Coimbatore-641 043.

2.The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Erode Division, Sennimalai Road,
Erode-638 001.

+1cc to Mr.K.Sathyasingh, Advocate, Sr.No.85379.

+1cc to Mr.C.Masilamani, Advocate, Sr.No.85590.

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19.09.2018