



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.20388 of 2018

M.Selvaraj,
Special Grade Conductor(Retired),
Tamil Nadu State Road Transport Corporation,
Employment No.CR.61005,

Residing at
D.No.3/2, Raja Street,
Ayyampalayam - 624 204,
Dindigul District.

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation(Madurai)Limited,
Madurai Division,
Bye-pass Road, Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation(Madurai)Limited,
Dindigul Region,
Bye-pass Road, Dindigul.
3. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... 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 pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 with retrospective effect from 1.9.2016 and further to direct the respondents to pay difference amount in his salary for the period from 1.9.2016 to till his retirement I.e., 31.5.2017 and to pay difference in his retirement benefits including monthly pension, wage arrears, gratuity, leave salary and all other attendant benefits payable to the Petitioner together with interest at the rate of 18% by considering his representation dated 3.9.2018.

**ORDER**

The petitioner was employed as a Special Grade Conductor. He retired from service on 31.05.2017. 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 3.9.2018 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 pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 with retrospective effect from 1.9.2016 and further to direct the respondents to pay difference amount in his salary for the period from 1.9.2016 to till his retirement I.e., 31.5.2017 and to pay difference in his retirement benefits including monthly pension, wage arrears, gratuity, leave salary and all other attendant benefits payable to the Petitioner together with interest at the rate of 18% by considering his representation dated 3.9.2018.

2. Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner, dated 3.9.2018 within a time frame specified by this Court.

3. Recording the above submissions, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 3.9.2018, 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. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Bye-pass Road, Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye-pass Road, Dindigul.



3. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 86572

VSN

TE/SV/SAR-4 : 03/12/2018 : 3P/5C

W.P (MD) No.20388 of 2018
25.09.2018