



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.10198 of 2019

WEB COPY

B. Viswanathan

... Petitioner

Vs.

1.The Principal Secretary and Ex Officio Chairman,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort. St. George,
Chennai - 600 009.

2.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Thiruvalluvar House,
Anna Salai,
Chennai - 600 002.

3.The Administrator,
TNSTC Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai - 600 002.

4.The Assistant Manager,
TNSTC Employees Pension Fund Trust,
SETC(TN) Ltd., Corporate Office,
Thiruvalluvar Illam,
Chennai - 600 002.

5.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Opp. To Lady Doak College Road,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to re-fix the salary as 12(3) settlement in Industrial Dispute Act, 1947 dated 22.01.2011 and disburse the retirement benefits along with provident fund with 12% interest per annum from the date of the petitioner's retirement to till date of payment to the legal heirs.

For Petitioner : Mr. R. Saravanan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr. K. Sathyasingh

**ORDER**

This writ petition is filed seeking to direct the respondents to re-fix the salary as per 12(3) settlement of Industrial Disputes Act, 1947 dated 22.01.2011 and disburse the retirement benefits along with provident fund with 12% interest per annum from the date of the petitioner's retirement to till date of payment to the legal heirs.

2. Mr. K. Sathyasingh, learned Standing Counsel takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents, to consider the representations of the petitioner, dated 23.10.2018 and 14.11.2018.

4. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the respondents to consider the representations of the petitioner, dated 23.10.2018 and 14.11.2018 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner,

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

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

trp

To

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+1 CC to M/s.K.SATHIYA SINGH, Advocate
(SR-62855[F] dated 26/04/2019)

+1 CC to M/s.R.SARAVANAN, Advocate(SR-62982[F]dated 26/04/2019)

+1 CC to M/s.SPL GP(SR-63774[F] dated 29/04/2019)

W.P(MD)No.10198 of 2019
26.04.2019

ES/16.05.2019/3P/9C