

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.10322 of 2019**

R.Eswaran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi - 630 307.

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, to direct the respondents to revise the petitioner's pay as per the settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently, directing the respondents to revise and re-fix the petitioner's retirement benefits and to disburse difference amounts in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment to be made by the respondents within the time stipulated by this Court.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sivaraman

**ORDER**

The petitioner has come forward with the present writ petition seeking revision of pay in terms of settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018.

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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The learned counsel appearing for the petitioner submitted that the petitioner was working as a Tradesman in the respondent Corporation and he retired from service on 31.05.2017. Seeking revision of pay in terms of settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, the petitioner made a representation dated 08.04.2019 and the same is pending without consideration. Hence, the petitioner is before this Court seeking the aforesaid prayer.

4. The learned counsel appearing for the respondents submitted that the petitioner's representation would be considered on merits.

5. In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 08.04.2019 in terms of settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 and pass appropriate orders on merits and in accordance with law, after due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.SP.VIJAY NIVAS, Advocate in SR-63063

+1 CC to M/s.D.SIVARAMAN, Advocate in SR-63435

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