



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12053 of 2019

K. Murugesan

...Petitioner

Vs

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 02.

... Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay, as per the settlement u/s. 12(3) of the ID 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 him 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 1 & 2 :Mr.P. Balasubramanian

For 3rd respondent : Mr. A.P. Muthupandian

**ORDER**

This Writ Petition has been filed for a direction to the respondents to revise the petitioner's pay, as per the settlement u/s. 12(3) of the ID Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently direct the respondents to revise and re-fix his retirement benefits and to disburse the difference amounts in the petitioner's 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 to be made by the respondents, within a stipulated time.

2. Mr. P. Balalsubramanian, learned counsel takes notice for the respondents 1 and 2 and Mr. A.P. Muthupandian, learned counsel takes for the third respondent.

3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. The case of the petitioner is that after completing 28 years of service in the respondents Corporation, he has retired from service on 31.03.2017 and thereafter, he applied for his retirement benefits to the respondents. In the meanwhile, there was a trilateral settlement entered in between the management, the Government and employees' representatives, under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018, refixing the salary of the employees with retrospective effect from 01.09.2016 and accordingly, the petitioner's retirement benefits have to be revised, for which, the petitioner has sent a representation dated 07.05.2019. As there was no response to the same, the petitioner has filed the present Writ Petition.

5. Though this petition has been filed for the larger relief, 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 representation of the petitioner, dated 07.05.2019.

6. 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 representation of the petitioner, dated 07.05.2019 and pass necessary 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, after affording due opportunity of hearing to the petitioner. If the petitioner finds to be eligible for revised payment, the same shall be disbursed to him within a period of two weeks thereafter.



7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

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CS: (31/05/2019) 3P 4C