



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.5309 of 2019

S.Ponnusamy

... Petitioner

vs.

1. The Management of Tamil Nadu,
State Transport Corporation (Kumbakonam) Ltd.,
rep.by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karur Region, Karur.

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

... Respondents

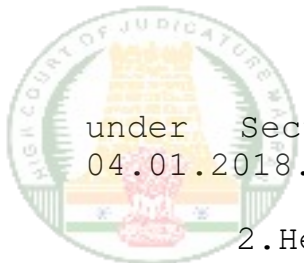
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing direct the respondents 1 to 3 to revise the petitioners pay and grade pay in terms of Clause 5 of settlement under Section 12(3) of the I.D. Act dated 04.01.2018 notionally from 26.02.2011 and consequently direct the respondents to revise his pension based on the pay revision given in the settlement from the date of his retirement and to disburse the difference amounts in the pension together with interest at the rate of 18% per annum payable from date when it became due to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

The petitioner has come forward with the present writ petition seeking revision of pay in terms of Clause 5 of settlement



under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Standing 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 Conductor in the first respondent Corporation and he retired from service on 29.02.2012. Seeking revision of pay in terms of Clause 5 of settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, the petitioner made a representation dated 08.01.2019 and the same is pending without consideration. Hence the petitioner is before this Court seeking the aforesaid Appeal.

4. The learned Standing 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 08.01.2019 in terms of Clause 5 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(CO)

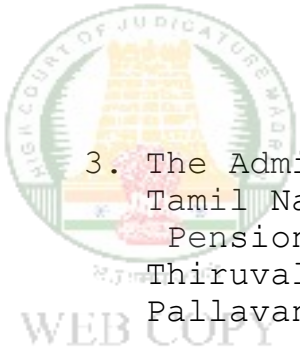
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Sub Assistant Registrar

To

1. The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
<https://hcservices.ecourts.gov.in/hcservices/>
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Karur Region, Karur.



3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-52356[F] dated 07/03/2019)
+1 CC to M/s.A.RAHUL, Advocate (SR-52384[F] dated 07/03/2019)

MJ

TE : 22/03/2019 : 3P/6C

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