



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.5820 of 2019

K.Annadurai

... Petitioner

vs.

- 1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
rep.by its Managing Director,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.
- 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 the respondents to revise the petitioner's pay as per the Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his 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.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking a direction to the respondents to revise the petitioner's pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, 1947 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 difference amounts in his



monthly pension, commuted value of pension, gratuity and earned leave salary with interest at the rate of 18% per annum payable to the petitioner from 01.09.2016 to till the date of actual payment.

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

3. According to the learned counsel for the petitioner, petitioner was employed as a Traffic Inspector. He retired from service on 31.07.2017. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered under Section 12(3) of the Industrial Disputes Act, 1947. Since his pay was not revised, he made a representation dated 05.02.2019 to the respondents. Since the same has not been considered so far, the present writ petition came to be filed.

4. The learned Standing Counsel for the respondents submitted that the representation of the petitioner would be considered on merits and appropriate orders be passed by the respondents.

5. In view of the above submission, this Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 05.02.2019, in the light of the terms of the settlement dated 04.01.2018 entered into by the parties under Section 12(3) of the Industrial Disputes Act, 1947 and 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. In case, if the petitioner is found eligible, the eligible amount shall be disbursed to him within a period of two months thereafter. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)

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To

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



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

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

+1CC TO MR.A.RAHUL, Advocate Sr. No.53886

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.53684

W.P(MD) No.5820 of 2019
13.03.2019

TR (15.04.2019) 3P 6C