



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) Nos.5880 to 5882 of 2019**

V.Paramanathan ... Petitioner in WP(MD)No.5880/2019
R.Mohandoss ... Petitioner in WP(MD)No.5881/2019
L.Thirunavukkarasu ... Petitioner in WP(MD)No.5882/2019

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., Kumbakonam Region,
Kumbakonam.

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

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus 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 01.09.2010 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 Petitioners : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
in all writ petitions.

COMMON ORDER

These writ petitions have been filed seeking revision of pension based on the pay revision given in the settlement under Section 12(3) of the Industrial Disputes Act, 1947 and to disburse the difference amount together with interest at the rate of 18% per annum to the petitioners.

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

3. According to the learned counsel for the petitioners, the petitioners were employed under the first respondent Corporation as Driving Instructor, Checking Inspector and Driving Instructor respectively. They retired from service on 30.11.2011, 28.02.2011 and 30.04.2012 respectively. Their grievance is that they are entitled to revision of pension in terms of the settlement entered under Section 12(3) of the Industrial Disputes Act, 1947. Since their pay was not revised, they made representations dated 18.04.2018, 18.01.2019 and 06.02.2019 respectively and the same have not been considered so far. Hence, these writ petitions have been filed.

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

5. In view of the above submission, these Writ Petitions are disposed of, directing the respondents to consider the representations of the petitioners dated 18.04.2018, 18.01.2019 and 06.02.2019 in respect of revision of pension, in terms of Clause 5 of the settlement dated 04.01.2018 under Section 12(3) of 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 petitioners are found eligible, the eligible amount shall be disbursed to them within a period of two months thereafter. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



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.,
Kumbakonam Region,
Kumbakonam.

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

+3 CC to M/s.D.SIVARAMAN, Advocate IN SR-53685,53686,53687
+3 CC to M/s.A.RAHUL, Advocate IN SR-53887,53888,53889

W.P(MD) Nos.5880 to 5882 of 2019
13.03.2019

MJ

TK/16.05.2019 : 3P/10C