



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.8716 of 2019

C.Rajendran

... Petitioner

vs.

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

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

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 1 to 3 to revise the petitioner's 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 26.04.2013 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 the date when it became due to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
This writ petition has 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 petitioner.

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

3. According to the learned counsel for the petitioner, the petitioner was employed under the first respondent Corporation as Checking Inspector. He retired from service on 31.05.2014. The grievance of the petitioner is that he is entitled to revision of pension 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 25.06.2018 and the same has not been considered so far. Hence, this writ petition has been 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 25.06.2018 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 petitioner is found eligible, the eligible amount shall be disbursed to him within a period of two months thereafter. No costs.

Sd/-

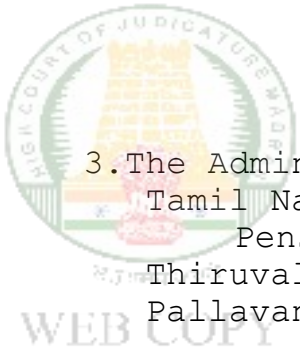
Assistant Registrar

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Sub Assistant Registrar(CS)

To

1. The Managing Director,
Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Trichy.



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

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-60446[F] dated 11/04/2019)

+1 CC to Mr.A.RAHUL, Advocate (SR-60862[F] dated 12/04/2019)

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11.04.2019(3/5)

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AE (02.05.2019) 3P 6C