



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2019
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.8836 of 2019

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V.Devadoss

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
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 for the issuance of a writ of Mandamus, directing the respondents to revise him pay and grade pay in terms of Clause 1(a) and Clause 5 of settlement under Section 12(3) of the I.D Act, dated 04.01.2018 and consequently direct the respondents to revise his pension, gratuity, earned leave salary, commuted value of pension, provident fund based on the pay revision given in the settlement and to disburse the difference amounts in the terminal benefits together with interest at the rate of 18% per annum payable from date when it became due to till the date of actual payment within the time limit that may be fixed by this Hon'ble Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

The 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 counsel for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

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3. According to the learned counsel for the petitioner, the petitioner was employed under the first respondent Corporation as Conductor and after periodical promotions, he was promoted as Checking Inspector and retired from service on 31.05.2017. 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 representation, dated 04.03.2019 and the same has not been considered so far. Hence, the writ petition has been filed.

4. The learned counsel appearing 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, the Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 04.03.2019 in respect of revision of pension, in terms of Clause 1(a) and Clause 5 of Section 12(3) settlement, dated 04.01.2018 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

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

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

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-60797[F] dated 12/04/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-60869[F] dated 12/04/2019)

W.P (MD) No.8836 of 2019
12.04.2019

KK:03/05/2019/3P/6C