

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8840 of 2019**

G.Murugesan

... Petitioner

Vs.

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

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

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 extend the benefit of pay revision with an increase at the rate of 5.5% of basic pay and grade pay from 01.09.2013 to 31.01.2015 in terms of Section 12(3) Settlement, dated 13.04.2015 and to pay difference in his retirement benefits including salary, monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.02.2015 to till date together with interest at the rate of 18% per annum based on the said settlement under Section 12(3) of the Industrial Disputes Act, dated 13.04.2015.

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 from 01.09.2013 to 31.01.2015 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.

3. According to the learned counsel for the petitioner, the petitioner was employed under the first respondent Corporation as Driver and after periodical promotions, he was promoted as Special Grade Driver and retired from service on 31.01.2015. The grievance of the petitioner is that he is entitled to revision of pension from 01.09.2013 to 31.01.2015 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 09.03.2019 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 09.03.2019 in respect of revision of pension, in terms of the Settlement, dated 13.04.2015 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 (WRITS)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

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



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

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.60798
+1CC TO MR.A.RAHUL, Advocate Sr. No. 60871
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 60999

W.P(MD)No.8840 of 2019
12.04.2019

TR (29.04.2019) 3P 7C