

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

DATED: 12.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8895 of 2019**

S.Jeyabalan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi - 630 307.

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 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 the petitioner's retirement benefits and to disburse difference amounts in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary to the petitioner with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment to be made by the respondents.

For Petitioner : Mr.SP.Vijay Nivas

<https://hcservices.ecourts.gov.in/hcservices/> 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.

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 Driving Instructor and retired from service on 30.06.2018. 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 22.03.2019 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 22.03.2019 in respect of revision of pension, in terms of the settlement, dated 04.01.2018 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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
NSRTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.



2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi - 630 307.

3.The Administrator,
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Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.SP.VIJAYNIVAS, Advocate (SR-60703[F] dated
12/04/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-60800[F] dated
12/04/2019)

PS

W.P (MD) No.8895 of 2019
12.04.2019

KM/ (02.05.2019) 3P 6C