



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.9983 of 2019

K.Nagarajan

... Petitioner

vs.

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

2.The General Manager,
TamilNadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

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

... Respondents

PRAYER: Writ Petition 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 27.03.2019 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 within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
for R1 and R2

**ORDER**

The Writ Petition is filed seeking a direction to 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 27.03.2019 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 within the time limit that may be fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.According to the learned counsel for the petitioner, the petitioner was employed as a Driving Instructor. He retired from service on 31.05.2014. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018. Since his pay was not revised, he made a representation dated 21.03.2019 to the respondents. Since the same has not been considered so far, the present writ petition came to be filed.

4.The learned Standing Counsel for the respondents 1 and 2 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 21.03.2019, in the light of the terms of the settlement dated 04.01.2018 entered into by the parties 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)



To

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

2.The General Manager,
TamilNadu State Transport Corporation
(Kumbakonam) Ltd.,Karaikudi Region,
Karaikudi.

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-62513[F] dated 25/04/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-62845[F] dated 26/04/2019)

W.P (MD) No. 9983 of 2019
25.04.2019

CS: 17/05/2019/3P/6C