



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 24.01.2019

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1278 of 2019

K.Manickavel

..Petitioner

Vs

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam)Limited,
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 this Court 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 Industrial Disputes Act, dated 4.1.2018 notionally from 1.9.2010 and consequently to 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 fixed by this Court.



For Respondents :Mr.D.Sivaraman
1 to 3 Standing Counsel

ORDER

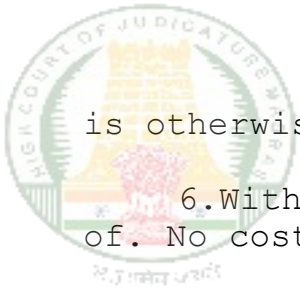
The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to revise the Petitioner's pay and grade pay in terms of Clause 5 of Settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 notionally from 1.9.2010 and consequently to direct the respondents 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 fixed by this Court.

2.Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner was employed as Conductor in the first respondent/Corporation and after periodical promotion, he became Selection Grade Checking Inspector and retired from service on 30.4.2015, on attaining the age of superannuation. He would further submit that there was a settlement under Section 12(3) of the Industrial Disputes Act entered between the Management and the Trade Union on 4.1.2018 and in terms of the said clause, a checking Inspector is entitled to a new pay band of Rs.9300-34800+Grade Pay of Rs.4300/- with retrospective effect from 1.9.2010 and the said pay fixation will have to be given notionally from 1.9.2010. According to the said settlement, his monthly pension has to be revised in the post of Selection Grade Checking Inspectors/Driving Inspectors. In this regard, the Petitioner has submitted a representation, dated 25.6.2018 to the respondents. Since no action has been taken till date, the Petitioner has come forward with this Writ Petition for the relief stated supra.

4.The learned Standing Counsel appearing for the respondents would submit that the case of the Petitioner will be considered and pay revision and other consequential benefits will be disbursed to him as per the settlement arrived at the Trade Union and Respondents/Management under Section 12(3) of the Industrial Disputes Act, within the time frame specified by this Court.

5.In view of the above submission, the respondent concerned is directed to consider the representation of the Petitioner, dated 25.6.2018 in terms of the settlement under Section 12(3) of the Industrial Disputes Act entered between the respondents/management and Trade Union and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and pay the monetary benefits to him, if the Petitioner



is otherwise found eligible.

6. With the above directions, the Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Management of Tamil Nadu
State Transport Corporation (Kumbakonam)
Limited,
represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.
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. 42682

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KK/SAR-/25.03.2019/3P-5C