



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 16307 of 2019

M. Kathiresan

.. Petitioner

Vs.

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

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

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's 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 his retirement benefits and to disburse difference amounts in his salary for the period from 01.09.2016 to 31.12.2017, difference amounts in monthly pension, commuted value of pension, gratuity and difference amount in earned leave salary to him with interest at the rate of 18% per annum payable from 01.09.2016 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. P. Balasubramanian
Standing Counsel

**ORDER**

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to revise his 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 also a consequential direction to the respondents to revise and re-fix his retirement benefits and to disburse difference amounts in his salary for the period from 01.09.2016 to 31.12.2017, difference amounts in monthly pension, commuted value of pension, gratuity and difference amount in earned leave salary to him, with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment.

2.Mr.P.Balasubramanian, learned Standing Counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner submitted that the authority has to consider the grievance of the petitioner and pass orders in accordance with law and further requested that if the respondents came to the conclusion that the petitioner is eligible for the payment of pay revision arrears as per the settlement, the respondents have to settle the amount as expeditiously as possible, but, till now, the respondent Management has not passed any orders on the petitioner's representation.

4.The learned Standing Counsel appearing for the respondents submitted that the respondents would dispose of the representation of the petitioner, dated 21.06.2019, within a time frame.

5.Recording the abovesaid submission made by the learned Standing Counsel appearing for the respondents, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner, dated 21.06.2019, in the light of the terms of settlement dated 04.01.2018 entered under Section 12(3) of the Industrial Disputes Act, 1947, and to 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

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To

1. The Managing Director,
The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region.
Pudukottai.
 3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.
- +1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-77004[F] dated
23/07/2019)
- +1 CC to Mr.A.RAHUL, Advocate (SR-77465[F] dated 25/07/2019)

W.P. (MD) No.16307 of 2019
23.07.2019
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