



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P (MD) No.16736 of 2019

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R.Gopal

... Petitioner

Vs.

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

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

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 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 ID Act, dated 04.01.2018 notionally from 21.07.2016 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 R1 & R2 : Mr.D. Sivaraman
Standing Counsel

For R3 : Mr. A. Swaminathan



ORDER

This Writ Petition has been filed for issuing 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 ID Act, dated 04.01.2018 notionally from 21.07.2016 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 frame to be fixed by this Court.

2. Mr. D. Sivaraman, learned Standing Counsel takes notice for respondents 1 and 2 and Mr. A. Swaminathan, learned counsel takes notice for 3rd respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that after completing 30 years of service in the respondents Corporation, he has retired from service on 31.03.2018 and thereafter, he applied for his retirement benefits to the respondents. In the meanwhile, there was a trilateral settlement entered in between the Management, the Government and employees' representatives, under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018, refixing the salary of the employees with retrospective effect from 01.09.2010 and accordingly, the petitioner's retirement benefits have to be revised, for which, the petitioner has sent a representation, dated 10.07.2019. As there was no response to the same, the petitioner has filed the present Writ Petition.

4. Though this petition has been filed for the larger relief, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents, to consider the representation of the petitioner, dated 10.07.2019.

5. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the respondents to consider the representation of the petitioner, dated 10.07.2019, by taking note of Section 12(3) of the Industrial Disputes Act, 1947 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

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

2.The General Manager,
Tamil Nadu State Transport Corporation
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Karaikudi Region,
Karaikudi.

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

+1CC TO MR.A.RAHUL, Advocate Sr. No.78654

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 78575

W.P (MD) No.16736 of 2019
29.07.2019

GKG (CO)

TR (09.08.2019) 3P 6C