



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) .No. 17711 of 2019

K. Manickam

... Petitioner

Vs.

1. The Management of Tamilnadu State
Transport Corporation (Kumbakonam) Limited,
Represented by its
Managing Director,
Kumbakonam.
 2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.
 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 for issuance of a Writ of Mandamus to direct 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 19.07.2011 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



For Petitioner : Mr.A. Rahul
For Respondent-1 & 2 : Mr. D.Sivaraman
Standing Counsel

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O R D E R

The writ petition has been filed seeking 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 19.07.2011 and also sought consequential direction to 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.

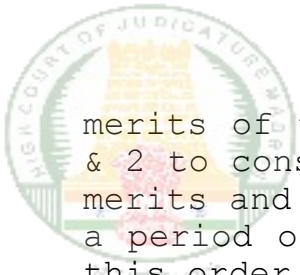
2. Mr. D. Sivaraman, learned Standing Counsel takes notice for the respondents-1 & 2. By consent of both parties, the instant writ petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that, he was retired from service on 31.08.2012 as Checking Inspector, subsequently, 13th settlement was entered into between the Trade Unions and Management of Transport Corporations on 04.01.2018 in Ref.No.C1/036966/2017 under Section 12(3) of the Industrial Disputes Act. The settlement, dated 04.01.2018 arrived under Section 12(3) of the Industrial Disputes Act is binding on the respondents and they ought to have conferred pay revision benefits to him on Clause 5 of the Settlement, dated 04.01.2018 and ought to have revised his last drawn salary and accordingly, his pension has to be revised, but the respondents failed to revise his salary and hence, he has made a representation, dated 09.05.2019, so far, no order has been passed by the respondents. Hence, the instant writ petition is filed.

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

5. The learned standing counsel appearing for the respondents-1 & 2 has submitted that the representation of the petitioner will be considered on merits, within a specified time that may be fixed by this Court.

6. 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 case, this Court directs the respondents-1 & 2 to consider the petitioner's representation, dated 09.05.2019 on merits and in accordance with law, and pass necessary orders, within a period of Eight (8) Weeks, from the date of receipt of a copy of this order.

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7. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
Management of Tamilnadu State
Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 2.

+1 CC to M/s.A.RAHUL, Advocate (SR-81578[F] dated 14/08/2019)

W.P[MD]]No.17711 of 2019
13.08.2019

ksa

JM/03.09.2019/3P/5C