



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD)No.17981 of 2019

N. Mookaiah

... 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 Illam,
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 to revise the petitioner's scale of pay in the post of Selection Grade Driver with effect from 01.09.2016 as per the settlement under Section 12(3) of the ID Act dated 04.01.2018 and consequently, direct the respondents to pay his difference in salary from 01.09.2016 to 31.12.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference amount in monthly pension payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 18% per annum payable from the date of petitioner's retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner	: Mr. A. Rahul
For R1 & R2	: Mr. P. Balasubramanian Standing Counsel
For R3	: Mr.A. Swaminathan Standing Counsel



ORDER

This Writ Petition has been filed for issuing a direction to the respondents to revise the petitioner's scale of pay in the post of Selection Grade Driver with effect from 01.09.2016 as per the settlement under Section 12(3) of the ID Act, dated 04.01.2018 and consequently, direct the respondents to pay his difference in salary from 01.09.2016 to 31.12.2017 and difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference amount in monthly pension payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 18% per annum payable from the date of petitioner's retirement to till the date on which the above monetary benefits are settled to him.

2. 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 petitioners' representation.

3.The learned Standing Counsel appearing for the respondents 1 to 3 submitted that the respondents would dispose of the representation of the petitioner, dated 02.08.2019, within a time limit to be fixed by this Court.

4.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 02.08.2019, 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 eight 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 weeks thereafter. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)



To

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

2.The General Manager,
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(Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.

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

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-83722[F] dated
28/08/2019)

W.P(MD)No.17981 of 2019
27.08.2019

TRP

MK (24.09.2019) 3P 5C