

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 30.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR****W.P. (MD) No.18940 of 2019**

WEB COPY

S.Indirajith

... 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.,
Nagapattinam Region.
Nagapattinam.

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

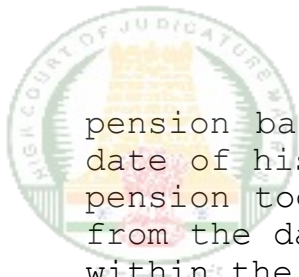
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 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 27.10.2012 and consequently, directing 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 that may be fixed by this Court.

For Petitioner	: Mr.A.Rahul
For R1 and R2	: Mr.D.Sivaraman
	Standing Counsel
For R3	: Mr.A.Swaminathan
	Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to revise the petitioner's pay and grade pay in terms of Clause 5 of settlement entered under Section 12(3) of the I.D. Act, dated 04.01.2018 notionally from 27.10.2012 and also a 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 the date when it became due to till the date of actual payment, within the time limit that may be fixed by this Court.

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

3.The learned counsel appearing for the petitioner would submit that with reference to the prayer sought for in this Writ Petition, the petitioner sent a representation to the respondents on 13.05.2019. But, no action has been taken till date. Hence, the petitioner is before this Court for the relief stated supra.

4.In reply, the learned Standing Counsel appearing for the respondents 1 and 2 as well as the learned Standing Counsel appearing for the third respondent would submit that the petitioner's representation dated 13.05.2019 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Recording the abovesaid submission made by the learned Standing Counsel appearing for the respondents 1 and 2 as well as the learned Standing Counsel appearing for the third respondent, without expressing any opinion on the merits of the case, this Writ Petition is disposed of directing the respondents 2 and 3 to consider the representation of the petitioner, dated 13.05.2019, 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 (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

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.,
Nagapattinam Region.
Nagapattinam.

WEB COPY

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

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-84658[F] dated 30/08/2019)

+1 CC to Mr.A.RAHUL, Advocate (SR-84769[F] dated 30/08/2019)

W.P. (MD) No.18940 of 2019
30.08.2019

smn2

MK (18.09.2019) 3P 6C