



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22161 of 2019

WEB COPY

N.Subramanian

... Petitioner

-Vs-

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

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

3. The Administrator,
The 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 for issuance of Writ of Mandamus, directing the respondents to revise the petitioner's scale of pay in the post of Conductor Level 5 in terms of pay revision given under settlement signed under Section 12(3) of the I.D. Act dated 04.01.2018 and consequently direct the respondents to pay him difference in salary for the period from 01.09.2016 to 31.10.2016 and to pay difference amounts in the terminal benefits payable to him including gratuity, earned leave salary, pension and commuted value of 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 his retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian

ORDER

This Writ Petition is filed to direct the respondents to revise the petitioner's scale of pay in the post of Conductor Level 5, in terms of pay revision given under settlement signed under Section 12(3) of the I.D. Act, dated 04.01.2018 and consequently, to direct the respondents to pay him difference in salary for the period from 01.09.2016 to 31.10.2016 and to pay difference amounts



in the terminal benefits payable to him, including gratuity, earned leave salary, pension and commuted value of 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 his retirement to till the date on which the above monetary benefits are settled to him.

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

3.According to the petitioner, he joined as Conductor in the first respondent Corporation on 10.03.1988 and retired on 31.10.2016. A settlement under Section 12(3) of the I.D. Act, dated 04.01.2018 was reached between the trade unions in the State Transport Undertakings and management of 9 Transport Corporations in the State, giving revision of pay from 01.09.2016 and revised pension to all the retired employees covered under 12(3) Wage Settlement, who retired / expired / exit on or after 01.09.2016. The said settlement came into force with retrospective effect from 01.09.2016, even though it was belatedly reached and signed between the parties on 04.01.2018. Therefore, the petitioner has given a representation dated 22.08.2019, to the respondents, seeking pay revision given under the above settlement. However, no order has been passed thereon. Hence, the petitioner has come out with the present Writ Petition.

4.Considering the nature of relief sought for by the petitioner, this Court directs the respondents to consider the representation of the petitioner, dated 22.08.2019, on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

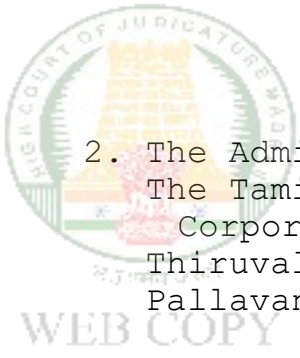
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Sub Assistant Registrar(CS)

To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,

<https://hcservices.kumbakonam.nic.in/hcservices/>



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

+1 CC to Mr.A.RAHUL, Advocate (SR-93296[F] dated 21/10/2019)
+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-93342[F] dated
21/10/2019)

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21.10.2019

myr

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