



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.22553 of 2019

A.Elango

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi - 630 307.

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

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents to revise the petitioners' pay as per the settlement U/s. 12(3) of the I.D. Act dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to revise and re-fix the petitioners retirement benefits and to disburse difference amounts in the petitioners' monthly pension, commuted value of pension, gratuity, Earned Leave Salary and medical leave salary and payment due for surrender leave for the period from 2011 to 2017 to the petitioner with interest at the rate of 18% per annum from 01.09.2016 till the date of actual payment as per the representation of the petitioner, dated 25.09.2019.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.P.Balasubramanian



ORDER

The writ petition has been filed seeking a direction to the respondents to revise the petitioner's pay as per the settlement entered under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, with retrospective effect from 01.09.2016 and pay difference amount in the petitioners' monthly pension, commuted value of pension, gratuity, Earned Leave Salary etc., with interest at the rate of 18% per annum, payable from 01.09.2016 to till the date of actual payment to be made by the respondents.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents. 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 submitted that the petitioner served in the respondent Corporation in the respective post as mentioned in the writ petition and as per the settlement entered under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, the petitioner is entitled to revised scale of pay. Since his pay was not revised, he made representation dated 25.09.2019 to the respondents and the same has not been considered so far. Hence, the petitioner has come up with the present Writ petition.

4. The learned counsel appearing for the respondents submitted that the representation of the petitioner would be considered on merits and appropriate orders be passed.

5. In view of the above submission, the Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 25.09.2019, in terms of the settlement entered under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

msa



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Matuthupathi, Managiri,
Karaikudi - 630 307.

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

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate SR-94320.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate SR-94585.

W.P (MD) No.22553 of 2019

24.10.2019

CS (19.11.2019) 3P 6C