



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.24996 of 2019

S.Manickam

... Petitioner

-Vs-

1.The Management

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
TNSTC Head Office
No.27, Railway Station New Road
Kumbakonam 612 001

2.The General Manager

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region
Maruthupathi, Managiri
Karaikudi 630 307

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 Writ of Mandamus, directing the respondents to revise the petitioner's pay as per settlement U/s. 12(3) of the Industrial Dispute Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently direct the respondents to revise and refix the petitioner's retirement benefits and to disburse the difference amounts in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary 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 respondents, within the time limit that may be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.D.Sivaraman



ORDER

This petition has been filed for a direction to the respondents to revise his pay as per settlement U/s. 12(3) of the Industrial Dispute Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently direct the respondents to revise and refix the petitioner's retirement benefits and to disburse the difference amounts in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary 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 respondents, within a time limit to be fixed by this Court.

2.Mr.D.Sivaraman, learned Standing Counsel takes notice 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 for the petitioner submitted that the petitioner has joined service as Driver in the respondent Corporation on 05.07.1990. He was promoted as Special Grade Driver-4. He retired from service on 31.05.2017 on attaining the age of superannuation. The service conditions of the employees of the Transport Corporation is governed by periodical settlements entered into between the management and the representatives of the Trade Union under Section 12(3) of the Industrial Dispute Act, 1947. By the Settlement dated 04.01.2018, the respondents Corporation agreed to grant revised basic pay. Clause I of the said settlement deals with fixing the revised basic pay as on 01.09.2016. The above settlement came into effect from 01.09.2016. The petitioner is entitled to get revision of his pay from 01.09.2016 to till the date of his retirement from service. Therefore, the petitioner made representation to the respondents Corporation on 10.10.2019 in this regard, but no action has been taken by the respondents Corporation so far. Hence, the petitioner has come up with the present Writ petition.

4.Even though the learned counsel for the petitioner raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 10.10.2019 in terms of 12(3) settlement, within a time frame.

5.Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, a direction is issued to the respondents to consider the representation of the petitioner, dated 10.10.2019 and pass orders thereon, in terms of the 12(3) settlement, within a period of twelve (12) weeks from the date of receipt of a copy of this order. If the petitioner is found eligible to any benefits, the same shall be paid within a period of six weeks thereafter.



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6. With above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to M/s.SP. VIJAY NIVAS, Advocate (SR-101263[F] 26/11/2019)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-101664[F] 27/11/2019)

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