

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 30.10.2018

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THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN
+W.P.(MD)No.22120 of 2018

#A.Sekar

... Petitioner

Vs.

\$1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

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

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefit of pay revision with an increase at the rate of 5.5% of basic pay and grade pay from 01.09.2013 to 31.10.2013 in terms of Section 12(3) settlement dated 13.04.2015 and to pay difference in his retirement benefits including salary, monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.11.2013 to till date together with interest at the rate of 18% per annum on the said settlement under Section 12(3) of the I.D.Act, dated 13.04.2015.

!For Petitioner : Mr.A.Rahul

^For Respondents : Mr.D.Sivaraman for R1 and R2

Mr.A.P.Muthupandian for R3

:ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondents to extend the benefit of pay revision with an increase at the rate of 5.5% of basic pay and grade pay from 01.09.2013 to 31.10.2013 in terms of Section 12(3) settlement dated 13.04.2015 and to pay difference in the petitioner-s retirement benefits including salary, monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.11.2013 to till date together with interest at the rate of 18% per

annum based on the said settlement.

2.Mr.D.Sivaraman, learned counsel takes notice for respondents 1 and 2 / Corporation and Mr.A.P.Muthupandian, learned counsel takes notice for the 3rd respondent. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner dated 20.09.2018 shall be disposed of in the light of the settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, within a time frame to be fixed by this Court.

4.In view of the limited scope of the prayer, without going into the merits of the matter, the respondents are directed to consider the representation of the petitioner, dated 20.09.2018 and pass appropriate orders thereon in the light of the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947. In case, the petitioner is entitled to the settlement entered under Section 12(3) of the Act, the eligible amount shall be extended to the petitioner, preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

To

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

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Pallavan Salai,
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