

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.27638 of 2013

Tamil Nadu State Transport
Corporation Retired Administrative
Supervisory Staff Welfare
Association, Rep.by its Secretary
S.Balasubramanian

...Petitioner

Vs.

1. The Principal Secretary to Government
Transport (C1) Department
Secretariat, Chennai -600 009
2. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, Pallavan Salai
Chennai -600 002
3. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd
3/137, Salamedu, Villupuram - 605 602
4. The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd., Anna Salai, Chennai -600 002
5. The Managing Director
State Express Transport
Corporation (Tamil Nadu) Ltd
Pallavan Salai, Chennai -600 002
6. The Managing Director
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd
46, Railway Station New Road,
Kumbakonam.

7. The Managing Director
Tamil Nadu State Transport
Corporation (Madurai) Ltd
Bye Pass Road, Madurai - 625 010
8. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd
12, Ramakrishna Road, Salem - 636 007
9. The Managing Director
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd
37, Mettupalayam Road,
Coimbatore - 641 043
10. The Managing Director
Tamil Nadu State Transport
Corporation (Thirunelveli) Ltd
Vannarppettai, TVDM Road,
Thirunelveli. ...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the second respondent to give 40% increase in the Basic Pension along with consequential benefits as per the G.O.No.235/Finance (Pay Cell) Department dated 1.6.2009 and read with Letter (Ms) No.206 dated 25.8.2010 issued by the Transport (C) Department to the Administrative Supervisors retired from 01.01.2008 to 16.6.2009.

For Petitioner : Mr.S.T.Varadarajulu

For R1 : Mr.M.S.Ramesh,
Additional Government Pleader

For R2 to R8, R10 : Mr.P.Paramasivados

For R9 : Mr.S.Sairaman

WEB COPY O R D E R

The petitioner is an Association of retired Administrative Supervisory Staff of Tamil Nadu State Transport Corporation.

2. The petitioner has submitted a representation on 29.7.2013 to the second respondent requesting to give its members 40% increase in the basic pension, pursuant to the Government Order in G.O.Ms.No.235/Finance (Pay Cell) Department, dated 01.6.2009 read

with letter dated 25.8.2010 issued by the Transport Corporation. Since the said representation was not taken up for consideration, the petitioner is before this Court.

3. The learned Standing Counsel for the Tamil Nadu State Transport Corporation submitted that the representation has already been rejected on the ground that there is no question of revising the benefits in respect of those who are covered under the settlement made under Section 12(3) of the Industrial Disputes Act.

4. The affidavit filed in respect of the writ petition indicates that the employees, who are the Members of the Union were not parties to the settlement under Section 12(3) of the Industrial Disputes Act. Such being the factual position, the case of the petitioner should be considered independently by the respondents.

5. The first respondent is directed to take a decision in the matter on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(AD-I)

//True Copy//

Sub Assistant Registrar

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To

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Secretariat, Chennai -600 009

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Corporation (Thirunelveli) Ltd
Vannarppettai, TVDM Road,
Thirunelveli.

- 1 CC to Mr.S.T.Varadarajulu, Advocate SR.No. 13513
1 CC to Mr.S.Sairaman, Advocate SR.No. 135235
1 CC to Mr.P.Paramasivadoss, Advocate SR.No. 13789

W.P.No.27638 of 2013

RSK (CO)
PSI (24.03.2015)