



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19118 of 2016

S.Perambalam

... Petitioner

-Vs-

- 1) The State of Tamilnadu,
Rep. by its Secretary to Government,
Transport Department and Chairman of Board of
Directors of State Transport Undertakings,
Fort St. George,
Chennai - 9.
2. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam,
Thanjavur District.
- 3) The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.
4. The Administrator,
Tamilnadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 30.11.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay his difference amount in his salary for the period from 01.09.2013 to 30.11.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from July, 2016 to till date together with a reasonable rate of interest per annum based on the said settlement.

For Petitioner

: Mr.N.Sudhagar Nagaraj

For 1st Respondent

: Mr.M.Alagadevan
Special Government Pleader

For Respondents 2 and 3

: Mr.D.Sivaraman
Standing Counsel

For 4th Respondent

: Mr.A.P.Muthupandian
Standing Counsel

**ORDER**

This writ petition has been filed seeking a direction to the respondents to revise the petitioner's pay for the period from 01.09.2013 to 30.11.2014 based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay his difference amount in his salary for the period from 01.09.2013 to 30.11.2014 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from July, 2016 to till date together with a reasonable rate of interest per annum based on the said settlement.

2.The petitioner was employed as Transport Supervisor in the respondent Corporation and he retired from service on 30.11.2014, on reaching the age of superannuation.

3.The learned counsel for the petitioner submitted that by settlement dated 13.04.2015, the respondents agreed to grant the petitioner the revised basic pay. Clause 1 of the said settlement deals with the fixing revised basic pay as on 31.08.2013. He is entitled to revision of pay from 01.09.2013 to 30.11.2014 and revision of retirement benefits based on the new basic pay introduced by the respondents. The Petitioner made a representation dated 20.06.2016 to the respondents to revise the pay and retirement benefit as per Clause 1 of the settlement dated 13.04.2015. Since the said representation was not considered, the petitioner has come forward with the present writ petition.

4.Learned Standing counsel for the respondents 2 and 3 submitted that it is agreeable for the respondents 2 and 3 to consider the representation of the petitioner dated 20.06.2016 and to pass orders.

5.Recording the above submission, this Writ Petition is disposed of directing the second respondent to consider the representation of the petitioner dated 20.06.2016, and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/



To

1. The Secretary to Government,
State of Tamilnadu,
Transport Department and Chairman of Board of
Directors of State Transport Undertakings,
Fort St. George, Chennai - 9.
2. The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.
4. The Administrator,
Tamilnadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1 cc to Mr.N.Sudhagar Nagaraj, Advocate in SR No.59676

+1 cc to Mr.D.Sivaraman, Advocate in SR No.59339

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SJ

ANR/PV/25.10.2016/3P/7C