



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN****W.P (MD) No.19187 of 2016**

WEB COPY

P.Rajendran

: Petitioner

Vs.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.01.2015 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 the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 31.01.2015 and to pay difference in the petitioner's retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from March, 2016 to till date together with a reasonable rate of interest per annum based on the said settlement and pass such further or other orders.

For Petitioner : Mr. N.Sudhagar Nagaraj

For R-1 : Mr.S.Chandrasekar
Government Advocate<https://hcservices.ecourts.gov.in/hcservices/> to R-4 : Mr. D.Sivaraman

**O R D E R**

The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the to revise the petitioner's pay for the period from 01.09.2013 to 31.01.2015 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 the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 31.01.2015 and to pay difference in the petitioner's retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from March, 2016 to till date together with a reasonable rate of interest per annum based on the said settlement.

2. Heard Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner, Mr.S.Chandrasekar, learned Government Advocate appearing for the respondent and Mr.D.Sivaraman, learned counsel appearing for the respondents 2 to 4.

3. Mr.S.Chandrasekar, learned Government Advocate takes notice for the first respondent and Mr.D.Sivaraman, takes notice for the respondents 2 to 4. By consent, the Writ petition itself is taken up for final disposal.

4.The learned counsel appearing on behalf of the petitioner submitted that it would suffice if the representation of the petitioner is considered, on merits and in accordance with law, within the time frame to be fixed by this Court.

5.Considering the limited prayer sought for by the petitioner, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 26.07.2016, conduct enquiry and after giving opportunity to the petitioner as well as the respondents, pass 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 (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamilnadu,
Transport Department and Chairman
of Board Directors of State Transport Undertakings,
Fort St. George, Chennai - 9.



2. The Managing Director
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

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3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
4. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 600 002.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate, SR No.60434

+1 CC to M/s.D.SIVARAMAN, Advocate, SR No.60468

ORDER MADE IN
W.P(MD)No.19187 of 2016
06.10.2016

pmu

SH/SKS-RR:07.11.2016:3P/7C