



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20574 of 2016

D.Sivaji

.. 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

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing respondents to revise the petitioner's pay for the period from 1.9.2013 to 28.02.2014 based on the terms of settlement dated 13.4.2015 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 1.9.2013 to 28.02.2014 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 to the petitioner together with a reasonable rate of interest per annum based on the said settlement.

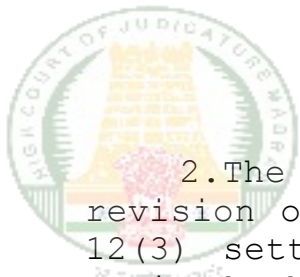
For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondents 2 and 3 : Mr.D.Sivaraman

For Respondent No.4 : Mr.A.P.Muthupandian

ORDER

Initially, the petitioner was employed in the respondents Transport Corporation and later on, promoted as Driving Instructor. He retired from service on 28.02.2014.



2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Driving Instructor as per 12(3) settlement dated 13.04.2015. Since his pay has not been revised, he made a representation dated 27.09.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to revise his pay for the period from 01.09.2013 to 28.02.2014 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 the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 28.02.2014 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 to the petitioner together with a reasonable rate of interest per annum based on the said settlement.

3.The learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 27.09.2016 and to pass orders.

4.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 27.09.2016, in the light of 12(3) Settlement dated 13.04.2015 and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Secretary to Government,

Transport Department and Chairman of

Board Directors of State Transport Undertakings,

Fort St. George, Chennai - 9.

+One cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.64852

+One cc to Mr.D.Sivaraman, Advocate, SR.No.64430

smn

RL/4C/2P/SKS/RR/24.11.2016 (11/17)

ORDER MADE IN

W.P (MD) No.20574 of 2016

26.10.2016