



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.23097 of 2016

P.Ramasamy

... 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 Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road, Coimbatore.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Erode Region, Chennimalai Road, Erode - 1.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revise the petitioners pay for the period from 01.09.2013 to 31.07.2014 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 petitioners salary for the period from 01.09.2013 to 31.07.2014 and to pay difference in the petitioners 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.C.Prakasam

For R - 1

: Mr.A.Muthukaruppan

Additional Government Pleader

For RR - 2 & 3

: Mr.K.Sathiyasingh

For R - 4

: Mr.A.P.Muthupandian

**ORDER**

Initially, the petitioner was employed as a Driver in the respondents Transport Corporation and later on, promoted as Special Grade Driver. He retired from service on 31.07.2014.

2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Special Grade Driver as per 12(3) settlement dated 13.04.2015. Since his pay has not been revised, he made a representation dated 01.11.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to to revise the petitioner's pay for the period from 01.09.2013 to 31.07.2014 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 difference amount in the petitioner's salary for the period from 01.09.2013 to 31.07.2014 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 him together with a reasonable rate of interest per annum based on the said settlement.

3.Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 01.11.2016 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 01.11.2016, 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(P&A)

/True Copy/

Sub Assistant Registrar

To

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

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road, Coimbatore.



3.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Erode Region, Chennimalai Road, Erode - 1.

WEB COPY

4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

+2cc to M/S.C.PRAKASAM, ADVOCATE SR.No. 79080

+1cc to M/S.SPL.GOV.T.PLEADER SR.No.79018

+1cc to M/S.K.Sathiyasingh, ADVOCATE SR.No. 78909

W.P (MD) No.23097 of 2016
01.12.2016

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