



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM

**THE HON'BLE Dr.JUSTICE S.VIMALA**

W.P(MD) No.23098 of 2016

S.Thirumalaisamy

... 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 30.04.2014 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 30.04.2014 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



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

**O R D E R**

Initially, the petitioner was employed as a Conductor in the respondents Transport Corporation and later on, promoted as Senior Checking Inspector. He retired from service on 30.04.2014.

2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Senior Checking Inspector 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 30.04.2014 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 30.04.2014 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



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

2.The Managing Director,  
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Thiruvalluvar Illam,  
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+1cc to Mr.K.Sathiyasingh, Advocate in SR No.78910

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

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01.12.2016

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