



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

CORAM :

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.23454 of 2016

M.Krishnan

.. 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

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 petitioners pay for the period from 01.09.2013 to 30.09.2013 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 to the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 30.09.2013 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.C.Prakash

For Respondents 1 to 3: Mr.K.Sathiyasingh

For Respondent No.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 30.09.2013.

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 10.11.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to revise the petitioners pay for the period from 01.09.2013 to 30.09.2013 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 to the petitioner the difference amount in the petitioner's salary for the period from 01.09.2013 to 30.09.2013 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 10.11.2016 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 10.11.2016, 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(AS)

/True Copy/

Sub Assistant Registrar

smn

To

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

2.The Managing Director,

<https://hcservices.ecourts.gov.in/hcservices/>

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.

+1cc to Mr.C.Prakasam, Advocate Sr.No. 79083

+1cc to Mr.K.Sathiya Singh Advocate Sr.No. 79647

JAM/12.01.2017/ME/ 3p-7c

ORDER MADE IN
W.P(MD)No.23454 of 2016
02.12.2016