



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.24409 of 2016

WEB COPY

Venkatachalam

... Petitioner

vs.

1)The Principal Secretary to
Government of Tamil Nadu,
Transport Department and
Chairman of Transport Corporation,
Fort St.George, Chennai-9.

2)The Management of Tamil Nadu
State Transport Corporation,
(Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai-10.

3)The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited, Dindigul Region, Dindigul.

4)The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

... Respondents

Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus,

(i)directing the respondents to extend the 4th and 5th review
benefits to the petitioner based on settlement dated 22.01.2011
entered into under section 12(3) of Industrial Disputes Act and

(ii)to enhance / revise his salary with effect from 01.09.2010
by issuing revised pay fixation order for the petitioner's
promotion to the posts of Senior Checking Inspector and Traffic
Inspector in the 2nd respondent Corporation as per G.O.(Ms)No.61,
Transport (C) Department dated 30.04.2015 and

(iii)consequently directing the respondents to pay the
petitioner's arrears of difference in salary payable to the
petitioner for the period commencing from 01.09.2010 to his date
of retirement i.e., 31.12.2012 and also to compute and pay revised
pension benefits with interest at the rate of 12% based on the
above settlement.



For Petitioner : Mr.J.Lawrance
For R1 : Mr.K.P.Krishnadass
For R2 to R4 : Mr.A.P.Muthupandian

WEB COPY

ORDER

The petitioner was employed as Traffic Inspector. He retired from service on 31.12.2012. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. Since 4th and 5th review benefits based on settlement dated 22.01.2011 were not granted, he made a representation dated 13.08.2015 therefor and that the same has not been considered. Therefore, this writ petition has been filed for issuance of a Writ of Mandamus,

(i)directing the respondents to extend 4th and 5th review benefits to the petitioner based on settlement. Dated 22.01.2011, entered into under section 12(3) of Industrial Disputes Act, and

(ii)to enhance / revise his salary with effect from 01.09.2010, by issuing revised pay fixation order for the petitioner's promotion to the posts of Senior Checking Inspector and Traffic Inspector in the 2nd respondent Corporation as per G.O.(Ms)No.61, Transport (C) Department, dated 30.04.2015, and

(iii)consequently, directing the respondents to pay the petitioner's arrears of difference in salary payable to the petitioner for the period commencing from 01.09.2010 to his date of retirement i.e., 31.12.2012 and also to compute and pay revised pension benefits with interest at the rate of 12% based on the above settlement.

2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 13.08.2015 within a time frame.

3.Recording the above submissions, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 13.08.2015, in the light of the terms of settlement dated 22.01.2011 entered under Section 12 (3) of Industrial Disputes Act, 1947, 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(CS-I)

/True Copy/

Sub Assistant Registrar



To

1) The Principal Secretary to
Government of Tamil Nadu,
Transport Department and
Chairman of Transport Corporation,
Fort St. George, Chennai-19.

2) The Management of Tamil Nadu
State Transport Corporation,
(Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai-10.

3) The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited, Dindigul Region, Dindigul.

4) The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

+1 cc to M/s.J.Laurence, Advocate in SR.No.83347

nbi

TTN/10.01.2017 : 3P-6C

W.P (MD) No.24409 of 2016
21.12.2016