



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.13054 of 2017

S.Joseph

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.
4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revise the petitioner's pay for the period from 01.09.2013 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 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 to till date together with a reasonable rate of interest per annum based on the said settlement.



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For R1 : Mr.D.Muruganandam
Addl. Govt. Pleader
For R2 & R3 : Mr.D.Sivaraman

For R4 : Mr.A.P.Muthupandian

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to revise the petitioner's pay for the period from 01.09.2013 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 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 to till date together with a reasonable rate of interest per annum based on the said settlement.

2. Heard the learned counsel appearing for the petitioner. The learned Additional Government Pleader takes notice for the 1st respondent and the learned Standing Counsel for R2 & R3 as well as the learned Standing Counsel for R4. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The case of the petitioner is that he joined the services of the respondents on 08.02.1999 and retired from service on 28.02.2014 as Selection Grade Conductor. The petitioner has sent a representation dated 31.10.2016 to the respondents for revision of his pay and settlement of his retiral benefits in the light of the settlement under Section 12(3) of the Industrial Disputes Act, 1947. Since there was no response on his representation, he is constrained to file this writ petition.

4. At this juncture, learned Standing Counsel appearing for R2 & R3 would submit that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and suitable orders passed.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents to consider the representation of the petitioner dated 31.10.2016 and pass appropriate orders thereon on merits and in accordance with law in the light of Section 12(3) settlement dated 13.04.2015, of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

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/True Copy/

Sub Assistant Registrar.

To:

1. The Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

+1CC to Mr.N.Sudhagar Nagaraj, Advocate, SR.No. 65420

+1CC to the Special Government Pleader SR.No. 65874

W.P(MD) No.13054 of 2017

ar/rm

AM/SKN RSK/SAR 4/24.07.2017/3P/6C