

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 10.10.2017****CORAM:****WEB COPY****THE HONOURABLE Mr. JUSTICE P.D.AUDIKESSAVALU****W.P. (MD) No. 18742 of 2017**

A.Kajamydeen

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented 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: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.01.2014 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 31.01.2014 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 together with a reasonable rate of interest per annum based on the said settlement.



For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 : Mr.Sathish Kumar
Additional Government Pleader
For R2 to R4 : Mr.D.Sivaraman

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ORDER

The petitioner has come up with the writ petition seeking a direction, directing the respondents to revise the petitioner's pay for the period from 01.09.2013 to 31.01.2014 respectively based on the terms of settlement dated 13.04.2015, entered under Section 12(3) of Industrial Disputes Act, 1947 and further direction to the respondents to pay the petitioner the difference amount in the petitioners' salary for the period from 01.09.2013 to 31.01.2014 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 together with a reasonable rate of interest per annum based on the said settlement.

2.Heard Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner and Mr.Sathish Kumar, learned Additional Government Pleader appearing for the first respondent and Mr.D.Sivaraman, learned counsel appearing for the respondents 2 to 4.

3.By consent of both sides, this writ petition itself is taken up for final disposal.

4.The learned counsel for the petitioner states that the petitioner had already made representations dated 02.09.2017 claiming the relief sought in the writ petition and further submits that it would suffice if the aforesaid representation of the petitioners is disposed expeditiously by the third respondent within a time frame fixed by this Court, though the petitioner has sought for a larger relief in the writ petition.

5.It is brought to the notice of this Court by the learned counsel for the respondents 2 to 4 that the representation dated 02.09.2017 made by the petitioner is under consideration of the third respondent.

6. Hence, without expressing any view on the entitlement or correctness of the claim made by the petitioner, this Court directs the third respondent to consider the representation dated 02.09.2017 made by the petitioner and pass a reasoned order on merits in accordance with law, taking note of the settlement dated 13.04.2015, under Section 12(3) of Industrial Disputes Act, 1947 and communicate the same to the petitioner and file a report of compliance before the Registrar (Judicial) of this Court on or before 31.12.2017.



7.The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(RTI)

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/True Copy/

Sub Assistant Registrar

To

1. The Secretary to 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,
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4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

Copy

1. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.
2. Concerned Posting Clerk,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.82242
+1cc to Mr.D.Sivaraman, Advocate SR.No.82269
+1cc to The Spl.Government Pleader Sr.No.82327

NS

VB/SKN/RSK/SAR1/30/10/2017/3P/10C