



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.22587 of 2017

P.Ramamoorthy

... 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) Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karur Region,
Karur.

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, to issue a Writ of Mandamus, directing the respondents to revise his pay for the period from 01.09.2013 to 31.10.2015 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 between the petitioner's salary for the period from 01.09.2013 to 31.10.2015 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.

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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.R.velmurugan (for R1)
Government Advocate
Mr.D.Sivaraman (for R2 to R4)

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to revise his pay for the period from 01.09.2013 to 31.10.2015 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 31.10.2015 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. R.velmurugan, learned Government Advocate, and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.It is informed by the learned counsel for the petitioner that before filing of the Writ Petition, the petitioner has made a representation dated 27.11.2017 to the respondents for the relief sought in this Writ Petition and submits that the petitioner would be satisfied, if the said representation is disposed of.

4.Having regard to the aforesaid restricted nature of relief sought by the petitioner, this Court, without expressing any view on the correctness or entitlement of the claim made, directs the respondents 2 and 3 to dispassionately consider the representation dated 27.11.2017 made by the petitioner and pass reasoned orders on merits in accordance with law and communicate the decision taken to the petitioner and file a report of such service before the Registrar (Judicial) of this Court on or before 31.01.2018.



5. With the aforesaid direction, this Writ Petition is disposed of. No costs.

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/True copy/

Sd/-
Assistant Registrar(T&P)

Sub Assistant Registrar

To

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

Copy to:
The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

- +1cc to Mr.N.SUDHAGAR NAGARAJ, Advocate, SR.92627
+1cc to Mr.D.SIVARAMAN, Advocate, SR. 92298
+1cc to M/S.Special Government Pleader, SR.92390

W.P. (MD) No.22587 of 2017
12.12.2017

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