

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18844 to 18851 of 2017

N.Kanagasabapathy

..Petitioner in W.P.No.18844 of 2017

C.Marappan

..Petitioner in W.P.No.18845 of 2017

P.Thangappan

..Petitioner in W.P.No.18846 of 2017

M.Loganathan

..Petitioner in W.P.No.18847 of 2017

K.Kesavan

..Petitioner in W.P.No.18848 of 2017

K.Ganesan

..Petitioner in W.P.No.18849 of 2017

R.Raja Goundan

..Petitioner in W.P.No.18850 of 2017

V.Lakshmanan

..Petitioner in W.P.No.18851 of 2017

vs

1.The Government of Tamil Nadu,
Represented by its
Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

.. R-1 in WPs 18844 to 18848 and
18850 and 18851/2017

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,

Post Box No.713,
Salem - 636 007.

.. R-2 in WPs 18844 to 18848 and
18850 and 18851/2017
and R1 in WP.18849/2017

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

.. R-3 in WPs 18844 to 18848 and
18850 and 18851/2017 and
R-2 in WP 18849/2017

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

.. R-4 in WPs 18844 to 18848 and
18850 and 18851/2017 and
R-3 in WP 18849/2017

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writs of Mandamus, directing the respondents to revise the petitioners' pay for the period from 01.09.2013 to 28.2.2014, 1.9.2013 to 31.1.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 31.5.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 30.04.2015, 1.9.2013 to 28.2.2014 and 1.9.2013 to 30.4.2013 respectively 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 petitioners' difference amounts in their salary for the period from 01.09.2013 to 28.2.2014, 1.9.2013 to 31.1.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 31.5.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 30.04.2015, 1.9.2013 to 28.2.2014 and 1.9.2013 to 30.4.2013 respectively and to pay difference in the petitioners' retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioners together with a reasonable rate of interest per annum based on the said settlement.

For Petitioner in all WPs : Mr.N.Sudhagar Nagaraj
For Respondent-1 in all WPs : Mr.R.S.Selvam,
Government Advocate.
For Respondents-2to4 in all WPs: Ms.S.Rajeni Ramadass

C O M M O N O R D E R

The reliefs sought for in these Writ Petitions are for a direction to direct the respondents to petitioners' pay for the period from 01.09.2013 to 28.2.2014, 1.9.2013 to 31.1.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 31.5.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 30.04.2015, 1.9.2013 to 28.2.2014 and 1.9.2013 to 30.4.2013 respectively 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 petitioners' difference amounts in their salary for the period from 01.09.2013 to 28.2.2014, 1.9.2013 to 31.1.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 31.5.2014, 1.9.2013 to 31.8.2014, 1.9.2013 to 30.04.2015, 1.9.2013 to 28.2.2014 and 1.9.2013 to 30.4.2013 respectively and to pay difference in the petitioners' retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioners together with a reasonable rate of interest per annum based on the said settlement.

2. The learned Government Advocate, appearing on behalf of the first respondent and the learned counsel, appearing on behalf of the respondents 2 to 4, have now brought to the notice of this Court that the settlement entered into between the Management and the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947 had been implemented and the benefits were extended to the writ petitioners.

3. This being factum of the case, no further adjudication is required to be entertained on the grounds raised in these Writ Petitions. Accordingly, all these writ petitions stand closed. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IX)

//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 (Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

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

+8cc to Mr.N.Sudhagar Nagaraj, Advocate, S.R.No.70432

+1cc to Mr.S.Rajeni Ramadass, Advocate, S.R.No.70707

+1cc to the Government Pleader, S.R.No.70132

W.P.Nos.18844 to 18851 of 2017

SSV(CO)
GSP(01/11/2018)

सत्यमेव जयते

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