

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32528 of 2018

A.Balasubramaniam

... Petitioner

Vs.

1. The Principal Secretary to Government,  
Transport Department,  
Tamil Nadu Government,  
Secretariat,  
Chennai - 600 009.
2. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Salem) Ltd.,  
Salem Division,  
No.12, Ramakrishna Road,  
Post Box No.713,  
Salem - 636 007.
3. The General Manager,  
Tamil Nadu State Transport  
Corporation (Salem) Ltd.,  
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.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to revise the petitioner's pay for the period from 13.08.2015 to 31.05.2017 based on the terms of 13<sup>th</sup> Settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further direct the respondents to pay the difference amount in his salary for the period from 13.08.2015 to 31.05.2017 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary,

dearness allowance, commuted value of pension and all other attendant benefits payable to him together with a reasonable rate of interest.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.A.N.Thambidurai,  
Special Government Pleader

ORDER

The petitioner, who was working as Senior Grade Driving Instructor in the respondent Corporation, was allowed to retire from service on 31.05.2017.

1.1. According to the petitioner, by 13<sup>th</sup> Settlement dated 04.01.2018, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents agreed to grant revised basic pay to the Checking Inspector and Driving Instructor

1.2. It is the grievance of the petitioner that the respondents 1 to 3 calculated the basic pay from 13.08.2015 to 31.05.2017 and his retirement benefits and pension amount based on the old scale of pay only; the 13<sup>th</sup> Settlement dated 04.01.2018 was not taken into account by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents while computing his basic pay from the said date and his retiral benefits and pension amount also. Expressing the grievance, the petitioner has submitted a representation dated 22.11.2018 to the respondents. This has not been considered by the respondents till date. Hence, this writ petition has been filed by the petitioner.

2. The learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 22.11.2018 is directed to be considered by the respondents, within a stipulated time.

3. Having regard to the limited prayer sought for herein, this Court, without going into the merits of this issue, directs the respondents to consider the representation of the petitioner dated 22.11.2018, in the light of 13<sup>th</sup> settlement dated 04.01.2018 and to pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,  
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Secretariat,  
Chennai - 600 009.
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Corporation Employees Pension Fund Trust,  
Thiruvalluvar House, Pallavan Salai,  
Chennai.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate SR.No.85215

+1cc to Government Pleader SR.No.85461

सत्यमेव जयते

W.P.No.32528 of 2018

RSV(CO)  
GMY(22/01/2019)

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