

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32541 of 2018

D.Boopathy

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Chief
Secretary to Government,
Transport Department,
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 Basic Pay and Grade Pay based on the 12(3) Settlement dated 13.04.2015 and 4th Review dated 01.08.2014 and further direct the respondents to pay him the difference amount in his Basic Pay and Grade Pay for the period from 01.08.2014 to 30.06.2015 and to pay difference in

his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him together with a reasonable rate of interest per annum.

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

ORDER

The petitioner joined the services of the respondent Corporation with effect from 01.11.1983 and he retired from service as Selection Grade Senior Conductor with effect from 30.06.2015.

1.1. According to the petitioner, in 12(3) Settlement dated 13.04.2015 and 4th Review dated 01.08.2014, the basic pay and grade pay of the Corporation employees were agreed to be revised with effect from 01.08.2014. In terms of the said settlement, his basic pay and grade pay has to be revised from 01.08.2014 to 30.06.2015, i.e. date of retirement, along with other attendant and retirement benefits. But, the same has not been paid. Hence, he made a representation to the respondents on 04.09.2018.

1.2. As the said representation has not been considered till date, the present writ petition has been filed seeking a direction to the respondents to revise the petitioner's Basic Pay and Grade Pay in terms of 12(3) Settlement dated 13.04.2015 and 4th Review dated 01.08.2014 and further direct the respondents to pay him the difference amount in his Basic Pay and Grade Pay for the period from 01.08.2014 to 30.06.2015 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him together with a reasonable rate of interest per annum.

2. The learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 04.09.2018 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 the issue, directs the respondents to consider the representation of the petitioner dated 04.09.2018, in terms of 12(3) Settlement dated 13.04.2015 and 4th Review dated 01.08.2014 and to pass orders thereon, in accordance with law, 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 Additional Chief
Secretary to Government,
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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

W.P.No.32541 of 2018

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