



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2018**

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.435 and 436 of 2018

G.Anbalagan .. Petitioner in W.P.(MD).No.435 of 2018

D.Sathyanarayanan .. Petitioner in W.P.(MD).No.436 of 2018

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Transport Department and Chairman of Board
of Directors of state Transport Undertakings,
Fort St. George, Chennai - 9.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam - 612 001.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Kumbakonam Region,
Kumbakonam - 612 001.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallurvar Illam,
Pallavansalai,
Chennai - 600 002. .. Respondents in both Writ Petitions

PRAYER in W.P.(MD).No.435 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to revise the petitioner's pay for the period from 01.09.2013 to 23.09.2014 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's difference amount in his salary for the period from 01.09.2013 to 23.09.2014 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 the petitioner together with a reasonable rate of interest per annum based on the said settlement.

PRAYER in W.P.(MD).No.436 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to revise the petitioner's pay for the period from 01.09.2013 to 10.10.2014 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's difference amount in his salary for the period from 01.09.2013 to 10.10.2014 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 the petitioner together with a reasonable rate of interest per annum based on the said settlement.

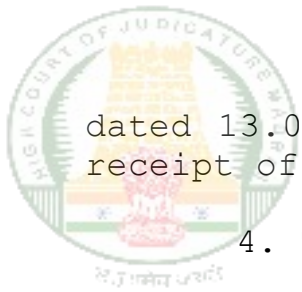
For Petitioner	: Mr.S.Royce Immanuel
For R-1	: Mr.K.Saravanan Government Advocate
For R-2 to R-4	: Mr.D.Sivaraman Standing Counsel (in both Writ Petitions)

O R D E R

Mr.K.Saravanan, learned Government Advocate takes notice for the first respondent and Mr.D.Sivaraman, learned Standing Counsel takes notice for the Respondent Nos.2 to 4. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioners are the retired employees of the respondent Corporation. After they retired from service, the management had entered into a wage revision settlement with the Trade Union. The wage revisions were effected on a retrospective basis. It cannot be disputed that the petitioners herein are also entitled to the benefit of the aforesaid settlement. They have to be paid the difference in salary also by way of arrears. The petitioners' pension will also have to be correspondingly revised. The petitioners have moved the respondent Corporation in this regard. Since no action was taken thereon, these writ petitions came to be filed.

<https://hcservices.ecourts.gov.in/HCServices/> prayers made by the writ petitioners deserve acceptance. The Respondent Nos. 2 to 4 are directed to extend the benefits payable to the writ petitioner in terms of the settlement



dated 13.04.2015 within a period of eight weeks from the date of receipt of a copy of this order.

4. These Writ petitions are allowed accordingly. No costs.

WEB COPY

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government of Tamil Nadu,
Transport Department and Chairman of Board
of Directors of state Transport Undertakings,
Fort St. George, Chennai - 9.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam - 612 001.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Kumbakonam Region,
Kumbakonam - 612 001.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallurvar Illam,
Pallavansalai,
Chennai - 600 002.

+ 2 ccs TO Mr.D.Sivaraman , Advocate in SR Nos. 43826,43825
+ 2 ccs TO Mr.S.Royce Immanuel , Advocate in SR Nos. 43820,43821
+ 1 cc TO The Special Government Pleader in SR No. 44667

kmi

AE/SV MMS/SAR2/20.03.2018/3P/10C

ORDER MADE IN
W.P. (MD) No.435 and 436 of 2018
24.01.2018