



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) Nos. 9580 and 9581 of 2018

WEB COPY

1. S. James

... Petitioner
in W.P (MD). No. 9580 of 2018

2. M. Karuppusamy

... Petitioner
in W.P (MD). No. 9581 of 2018

-Vs-

1. Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents
in both Writ Petitions

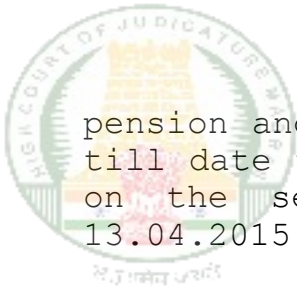
Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to pay them the difference amount in their salary for the period from 01.09.2013 to 28.02.2015 and to pay difference in their retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 01.03.2015 to till date together with interest at the rate of 18% per annum based on the said settlement under Section 12(3) of the ID Act dated 13.04.2015.

in both Writ Petitions

For Petitioners	: Mr. A. Rahul
For R-1 & R-2	: Mr. D. Sivaraman
For R-3	: Mr. A. P. Muthupandian

COMMON ORDER

The prayer sought for in these writ petitions is for a Writ of Mandamus, to direct the respondents to pay the petitioners, the difference amount in their salary for the period from 01.09.2013 to 28.02.2015 and to pay difference in their retirement benefits including monthly pension, gratuity, leave salary, commuted value of



pension and all other attendant benefits payable from 01.03.2015 to till date together with interest at the rate of 18% per annum based on the settlement under Section 12(3) of the ID Act, dated 13.04.2015.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioners and Mr.D.Sivaraman, learned standing counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.A.P.Muthupandian, learned counsel, who accepts notice for the third respondent.

3. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioners, would submit that the petitioners, who are working as Driver and Conductor respectively at the first respondent corporation, retired from service with effect from 28.02.2015. Between the respondent Corporation and the Employees Trade Union, a settlement reached under Section 12(3) of Industrial Distribute Act, 1947. Accordingly, the employees would be entitled to get pay hike at the rate of 5.5% from the existing basic pay and grade pay drawn. However, the said benefit has not been given so far and in this regard, the petitioners had given a representation on 18.04.2018. Therefore, the learned counsel would submit that if the said representation is directed to be considered by the second and third respondents and an order to that effect within a time frame is passed, the petitioners would be satisfied.

5. The learned counsel appearing for the respondents would submit that the representation made by the petitioners dated 18.04.2018 shall be considered by the second and third respondents on merits and in accordance with law and an order to that effect shall be passed within the time stipulated by this Court.

6. In view of the said submission made by both sides, these Writ Petitions are disposed of with the following direction:-

The second and third respondents are directed to consider the representation of the petitioners dated 18.04.2018 on merits and in accordance with the law by taking into account the settlement under Section 12(3) of the said Act and pass orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+2CC to Mr.D.Sivaraman Advocate in SR.NO.63891 & 63892,

+2CC to Mr.A.Raghul Advocate in SR.No.63809 & 63810.

RMK/RR

DS/SV/MMS/SAR-2 :04.06.2018: 3P/6C

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