



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) Nos.9061 and 9062 of 2018

P.Selvam ... Petitioner in W.P.9061/2018
M.Ramadoss ... Petitioner in W.P.9062/2018

Vs.

1. Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
rep. by its Managing Director,
Kumbakonam. ... 1st Respondent in both petitions
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai. ... 2nd Respondent in W.P.(MD)No.9061/18
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam. ... 2nd Respondent in W.P.(MD)No.9062/18
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2. ... 3rd Respondent in both petitions

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioners the difference amount in their salary for the period from 01.09.2013 to 30.11.2013 and 01.09.2013 to 31.03.2015 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 01.12.2013 and 01.04.2015 respectively 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.

**C O M M O N O R D E R**

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to pay the petitioners the difference amount in their salary for the period from 01.09.2013 to 30.11.2013 and from 01.09.2013 to 31.03.2015 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 01.12.2013 and 01.04.2015 respectively 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.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioners and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3.Since both the writ petitions are for a similar relief and arising out of the same issue, with the consent of both sides, these two writ petitions are disposed of by this common order at the admission stage itself.

4.The learned counsel appearing for the petitioners would submit that the petitioners were working at the respondent Corporation and they retired from service on 30.11.2013 and 31.03.2015 respectively. Subsequently, a 12(3) settlement was reached between the employees and the respondent Management on 13.04.2015, as per which, the employees would be entitled for stepping up of pay of 5.5%. Even though 12(3) settlement reached between the employees and the respondents, the said benefits have not been given to these petitioners as they have already retired from service and also the settlement under Section 12(3) of I.D. Act will not have retrospective effect on the date, where they retired from service.

5.The learned counsel for the petitioners submit that since the settlement under Section 12(3) of I.D.Act will cover all employees including those, who retired from service prior to that, the said benefit of pay hike of 5.5% shall be extended to these petitioners also and he would further submit that in this regard, the petitioners had given representations on 24.03.2018 and 10.03.2018 respectively and if the said representations are directed to be considered in the light of 12(3) settlement and an order to that effect is directed to be passed, the petitioners would be satisfied.

6.I have heard the learned standing counsel appearing for the respondents, who would submit that the respective representations made by the petitioners herein could be considered on merits and



in accordance with law and an order to that effect would be passed.

7. Considering the said submissions made by both sides, these writ petitions are disposed of with the following direction:

"The first and third respondents are directed to consider the representations of the petitioners dated 24.03.2018 and 10.03.2018 respectively and pass orders thereon, on merits and in accordance with law, taking into account the settlement under Section 12(3) of I.D.Act dated 13.04.2015, within a period of ten weeks from the date of receipt of a copy of this order."

8. With this direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 63054
+ 1 cc TO Mr.A.Rahul , Advocate in SR No. 63130

Arul
AE/RSK/SAR1/16.05.2018/3P/3C

W.P(MD) Nos.9061 and 9062 of 2018
24.04.2018