



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.10101 of 2018

G.Hilarian,
Staff No.7869,
(Selection Grade Conductor - Retd.,)
S/o Grasian, Door No.25/4A,
Vaikkal Street, Colachel,
Kanyakumari District.

... Petitioner

Vs.

- 1) The Government of Tamil Nadu
Represented by its
Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.
- 2) The Managing Director,
Tamil Nadu State Transport
Corporation(Tirunelveli) Ltd.,
Corporate Office, V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District 627 003.
- 3) The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rani Thottam, Kanyakumari District.
- 4) The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2016 to 31.07.2017 based on the terms of settlement dated 4.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the difference amount in the petitioner's salary for the period from 01.09.2016 to 31.07.2017 and to pay difference in the petitioner's retirement benefits including monthly pension, wage arrears, gratuity, leave salary, commuted



value of pension, dearness allowance and all other attendant benefits payable to the petitioners together with a reasonable rate of interest per annum based on the said settlement.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 : Mrs.S.Srimathy,
Special Government Pleader.

For RR 2 to 4 : Mr.K.Sathyasingh

ORDER

The prayer sought for in this Writ Petition is to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay for the period from 01.09.2016 to 31.07.2017 based on the terms of settlement dated 4.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the difference amount in the petitioner's salary for the period from 01.09.2016 to 31.07.2017 and to pay difference in the petitioner's retirement benefits including monthly pension, wage arrears, gratuity, leave salary, commuted value of pension, dearness allowance and all other attendant benefits payable to the petitioners together with a reasonable rate of interest per annum based on the said settlement.

2. I have heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner, Mrs.S.Srimathy, learned Special Government Pleader appearing for the 1st respondent and Mr.K.Sathyasingh, learned counsel appearing for the respondents 2 to 4.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a retired employee of the respondent Corporation and he retired on 31.07.2017. Thereafter, the Management has entered into the wage revision settlement with the Trade Union on 04.01.2018. Therefore, inspite of the wage settlement between the employee and the employer, the respondent Corporation has not given the difference as per the wage settlement to the petitioner and therefore in this regard, the petitioner has given his representation on 16.04.2018 to the respondent Corporation. However, no order so far has been passed in this regard.

4. Learned counsel for the petitioner submitted that if a direction is given to the respondent Corporation to consider the petitioner's representation dated 16.04.2018, in view of the earlier order passed by this Court in similar situation in W.P.(MD) Nos.435 & 436 of 2018 dated 24.01.2018, the petitioner would be satisfied.

5. I have heard Mr.K.Sathyasingh, learned standing counsel appearing for the respondent Corporation, who would submit that in view of the similar orders passed in this regard, the petitioner's representation dated 16.04.2018 would be considered on merits and order to that effect will be passed.



6. Considering the said submissions made by the learned counsel appearing for the petitioner as well the respondent Corporation, this writ petition is disposed of with the following direction:-

" that the petitioner's representation dated 16.04.2018 is directed to be considered by the respondents 2 to 4 and an order to that effect shall be passed taking into account, the Wage Settlement made on 04.01.2018 and the said benefits of the wage settlement shall be extended to the petitioner also, if he is otherwise qualified, as he retired from service on 31.07.2017 and to revise the petitioner's pay for the period from 1.09.2016 to 31.07.2017 based on the terms of settlement and accordingly, pass order on merits within a period of six weeks from the date of receipt of a copy of this order."

However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai 600 009

+1CC to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.64824
+1CC to Mr.K.Sathyasingh, Advocate, SR.No.64714
+1CC to the Special Government Pleader SR.No.65039

W.P. (MD) No.10101 of 2018
28.04.2018

STS
ES/SV/MMS/SAR 1/25.06.2018/3P/5C