



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10175 of 2018

V.Subramanian

... Petitioner

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 600 009
- 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,
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 01.09.2013 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 the difference amount in the petitioner's salary for the period from 01.09.2013 and to pay difference in the petitioner's 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 R1 : Mr.K.Saravanan,
Government Advocate
For RR 2 & 3 : Mr.D.Sivaraman
For R4 : Mr.A.P.Muthupandia

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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 01.09.2013 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 the difference amount in the petitioner's salary for the period from 01.09.2013 and to pay difference in the petitioner's 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.

2. I have heard Mr.S.Royce Immanuel, learned counsel for the petitioner, Mr.K.Saravanan, learned Government Advocate appearing for the first respondent, Mr.D.Sivaraman, learned counsel appearing for the 2nd & 3rd respondents and Mr.A.P.Muthupandian, learned counsel appearing for the fourth respondent.

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 30.11.2014. Thereafter, the Management has entered into the 12th wage revision settlement with the Trade Union on 13.04.2015. Therefore, in spite 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 30.03.2018 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 30.03.2018, 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.D.Sivaraman, 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 30.03.2018 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 30.03.2018 is directed to be considered by the 2nd and 3rd respondents and an order to that effect shall be passed taking into account, the 12th Wage Settlement made on 13.04.2015 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 30.11.2014 and to revise the petitioner's pay for the period from 1.09.2013 to 10.10.2014 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 Secretary to Government,
 The State of Tamil Nadu,
 Transport Department and Chairman of
 Board of Directors of State Transport Undertakings,
 Fort St.George, Chennai 600 009

- + 1 CC TO Mr.S.ROYCE IMMANUEL, ADVOCATE IN SR No. 64747
- + 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 64721
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64990

STS

TE/JC/SAR-3 : 27/06/2018 : 3P/5C

Order in
 W.P. (MD) No.10175 of 2018
 28.04.2018