



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31371 of 2019

P.Athiappan

..Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Transport Department, Secretariat,
Chennai-600009.

2.The Managing Director,
Tamil Nadu State Transport Corporation(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No. 713, Salem-636007.

3.The General Manager,
Tamil Nadu State Transport Corporation(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No. 713, Salem-636007.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to revise the petitioner's pay for the period from 01.09.2016 to 31.03.2017 based on the terms of settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2016 to 31.03.2017 and to pay difference in the retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with 6% of interest per annum based on the said settlement.



For Petitioner : M/s.N. Sudhagar Nagaraj
For Respondents : Mr.R.S. Selvam, GA -R1
Mr. R.K. Gandhi - R2 to R4

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O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the Respondents to revise the petitioner's pay for the period from 01.09.2016 to 31.03.2017 based on the terms of settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay him the difference amount in his salary for the period from 01.09.2016 to 31.03.2017 and to pay difference in the retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with 6% of interest per annum based on the said settlement.

2. The case of the petitioner is that the petitioner has joined the services of 2nd & 3rd respondents corporation 23.01.1989 and retired from service on 31.03.2017 in the 3rd respondent branch. At the time of retirement, he received his salary, i.e., basic pay of Rs.13,880/- and Grade pay of Rs.2,300/-. The petitioner states that his retirement benefits such as gratuity and pension commutation are calculated as per his basic pay and grade pay as per his last drawn salary on 31.03.2013.

3. The learned counsel appearing for the petitioner would submit that as per Section 12(3) of the Industrial Disputes Act 1947, the Tamil Nadu Transport Corporation Employees wages have to be revised for every three years from the month of 1st September but the settlement is delayed and due to bargaining and settlement arrived on 04.01.2018 instead of 01.09.2016.

4. The learned counsel appearing for the petitioner would further submit that the petitioner has given representation to the respondents on 05.08.2019. Since, his representation was not considered by the respondents, the petitioner filed this Writ Petition.

5. The learned counsel appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel for the respondents would submit that if the respondents are directed to consider the representation made by the petitioner, the same would be considered in accordance with law.



6. Without expressing any opinion on merits, I am inclined to issue a direction to the 2nd & 3rd respondents to dispose of the Writ Petitioner's representation dated 05.08.2019 in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Transport Department, Secretariat,
Chennai-600009.

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4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600002.

+1cc to Mr. R.K. Gandhi, Advocate SR.93269
+1cc to M/s.N. Sudhagar Nagaraj, Advocate SR.93490
+1cc to the Government Pleader SR.93754

W.P.No.31371 of 2019

(CO)
CB(11/12/2019)