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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

CORAM

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**W.P(MD)No.2161 of 2018**

A.Raju

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,  
Rep. by its Secretary to Government,  
Transport Department, Secretariat,  
Chennai - 600 009.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
No.27, Railway Station Road,  
Kumbakonam, Thanjavur District.
- 3.The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Trichy Region, Periyamilaguparai,  
Trichy.
- 4.The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Driving Instructor with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and as per 12 (3) Settlement dated 13.04.2015 and further directing the respondents to pay him difference amount in his salary from 01.09.2010 to 28.2.2015 and to pay difference in his retirement benefits including difference in monthly pension, Gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 28.02.2015 to till date together with reasonable rate of interest.



For Petitioner : Mr.N.sudhagar Nagaraj  
For R - 1 : Mr.V.Anand,  
Government Advocate.  
For RR 2 & 3 : Mr.D.Sivaraman  
For R - 4 : Mr.A.P.Muthupandian

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**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to revise the pay of the petitioner, as per the Settlement under Section 12(3) of the ID Act, dated 13.04.2015 and further to direct the respondents to pay difference amount to the petitioner.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, the learned counsel appearing for the second and third respondents and the learned counsel appearing for the fourth respondent.

3.The learned counsel appearing for the petitioner submitted that though the Management has agreed for revision of pay with retrospective effect except for the post of Managerial and supervisory cadre, which has not been followed by them, the respondents have not given the benefit both under the Settlement and as per the Government Order. In this regard, the petitioner sent a representation to the respondents on 08.01.2018. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the respondents 2 and 3 seeks two months time for considering the claim of the petitioner.

5.In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 08.01.2018 in the light of G.O.Ms.No.61, Transport (C1) Department, dated 30.04.2015 and as per the Settlement, dated 13.04.2015 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T &amp; P)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Secretary to Government,  
Rep. by the Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai - 600 009.
2. The Managing Director,  
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4. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai - 600 002.

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.50828  
+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No. 51493  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.51087

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**28.02.2019**

TR (15.04.2019) 3P 8C