



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.4810 of 2018

M.Shahul Hameed

... Petitioner

Vs.

1. The Principal Secretary to Government
of Tamil Nadu,
Transport Department and Chairman of
Transport Corporation,
Fort St. George, Chennai - 9.
2. The Management of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Rep. by its Managing Director,
Bye-pass Road, Madurai - 10.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul.
4. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent Nos.2 to 4 to provide the 4th and 5th review benefits to the petitioner based on settlement, dated 22.01.2011 entered into under Section 12(3) of the Industrial Disputes Act and to enhance his salary with effect from 01.09.2010 by issuing revised pay fixation order for his promotion to the post of Checking Inspector and to the post of Traffic Inspector in the 2nd respondent Corporation as per G.O.Ms.No.61 Transport (C) Department, dated 30.04.2015 with arrears of difference in salary payable to the petitioner for the period commencing from 01.09.2010 to his date of retirement ie., 31.05.2013 with interest at the rate of 12% and also to compute and pay revised pension benefits based on the above settlement as per the proceedings of the second respondent in Ref.Ku.Sa/W.P.No.6973/2016, dated 25.07.2016.



For Petitioner : Mr.J.Lawrance
For R - 1 : Mr.V.Anand,
Government Advocate.
For RR 2 & 3 : Mr.A.Jeyaram
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 22.01.2011 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 earlier, for the very same relief, the petitioner filed a Writ Petition in W.P(MD)No.6973 of 2016, in which, this Court by order, dated 11.04.2016, directed the respondents to consider the representation of the petitioner, dated 01.03.2016 in the light of the Settlement, dated 22.01.2011. Pursuant to the said order, the second respondent, by proceedings dated 25.07.2016, stated that the petitioner was eligible to get the review benefits based on the Settlement, dated 22.01.2011. 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 claim of the petitioner as per the Settlement, dated 22.01.2011 and also in the light of G.O.Ms.No.61, Transport (C1) Department, dated 30.04.2015 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 (Crl.side)

/True Copy/



To

1. The Principal Secretary to Government
of Tamil Nadu,
Transport Department and Chairman of
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Chennai - 9.

2. The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Bye-pass Road, Madurai - 10.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul.

4. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-50878[F] dated 01/03/2019)

+1 CC to M/s.SPL GP (SR-51084[F] dated 01/03/2019)

PS

TE/KM : 03/04/2019 : 3P/7C

W.P (MD) No.4810 of 2018
28.02.2019
(3/7)