



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.474 of 2019

M.Elumalai

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Periyamilaguparai, Trichy.

3. 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 revise the petitioner's pay for the period from 01.09.2013 to 31.03.2015 based on the terms of Settlement, dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947 and further directing the respondents to pay the difference amount of the petitioner's salary for the period from 01.09.2013 to 31.03.2015 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 petitioners together with a reasonable rate of interest per annum based on the said Settlement.

For Petitioner	:	Mr.N.Sudhagar Nagaraj
For R - 1	:	Mr.C.M.Mari Chelliah Prabhu, Additional Government Pleader.
For RR 2 & 3	:	Mr.D.Sivaraman

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 Industrial Disputes Act, dated 13.04.2015 and further to direct the respondents to pay difference amount in the salary, retirement benefits etc., to the petitioner.

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2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 & 3.

3. The learned counsel appearing for the petitioner submitted that though the petitioner, who joined in the office of the second respondent, was allowed to retire from service, as per the Settlement, dated 13.04.2015, the respondents have not granted the revised basic pay for the period from 01.09.2013 to 31.03.2015. In this regard, the petitioner sent a representation to the respondents on 09.11.2018. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.

4. The second respondent filed a counter-affidavit wherein at paragraph Nos.7 to 9, it is stated as follows:-

"7. I submit that as per 12(3) Settlement, dated 01.04.2015, the petitioner is eligible for the following benefits as follows:-

Sl. No.	Details of Retirement benefits	Amount	Paid Date
5.	Difference of Gratuity	Rs.20,575/-	To be paid
8.	Difference of leave salary	Rs.50/-	To be paid
11.	Difference of commutation	Rs.Nil	
12.	ESPS	Rs.42,164/-	To be paid
14.	Wage arrears	Rs.5,950/-	To be paid
15.	Pension arrears	Rs.14,010/-	To be paid

8. As far as the above benefits, the delay is not wilful but it is only due to the very critical financial position the Corporation is facing.

9. I further submit that the second and third respondents have taken steps to settle the above benefits to the petitioner at the earliest.

5. The learned counsel appearing for the respondents 2 and 3 seeks time to comply with the same.

6. 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 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 three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Periyamilaguparai, Trichy.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-52415[F] dated 07/03/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-52357[F] dated 07/03/2019)

+1 CC to M/s.SPL GP (SR-52716[F] dated 08/03/2019)

PS

DS : 03/04/2019 : 3P/7C

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