



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.10251 of 2018

1.P.Poovendiran
2.S.Rajalingam
3.P.Ayyadurai
4.R.Lakshmanan
5.K.Kanagarajan
6.M.Ramaiah

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road, Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
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 revise the pay for the period from 01.09.2016 to till the date of retirement of the petitioners' 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 the difference amount in the salary for the period from 01.09.2016 to till the date of retirement of the petitioners and to pay difference in the retirement benefits including monthly pension, wage arrears, gratuity, leave salary, commuted value of pension,



dearness allowance 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 to 4 : 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 petitioners, as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 and further to direct the respondents to pay difference amount in the salary, retirement benefits etc., to the petitioner.

2.Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4.

3.The learned counsel appearing for the petitioners submitted that though the petitioners, who joined in the office of the second and third respondents, were allowed to retire from service, as per the Settlement, dated 04.01.2018, the respondents have not granted the revised basic pay for the period from 01.09.2016 to till the date of their retirement. In this regard, the petitioners have sent a representation to the respondents on 14.04.2018. Since the same has not been considered by the respondents so far, the petitioners have filed the present Writ Petition.

4.The third respondent filed a counter-affidavit wherein at paragraph Nos.3 & 4, it is stated as follows:-

"3. I submit that the writ petitioners who were working in this respondent Corporation have allowed to retire from service as detailed below.

Sl. No.	Petitioner's Name	Designation	St.No.	Date of Retirement/VRS
1.	P.Poovendiran	Spl.Gr.Cr	7551	31.01.2017
2.	S.Rajalingam	Cr.Lev-5	7343	30.09.2017
3.	P.Ayyadurai	Cr.Lev-5	7009	31.05.2017
4.	R.Lakshmanan	Sel.Gr.Dr	5409	31.03.2017
5.	K.Kanagarajan	Cr.Lev-5	8446	31.03.2017
6.	M.Ramaiah	Foreman	1254	30.11.2016

<https://hcservices.ecourts.gov.in/hcservices/>
On their retirement, after completing all the administrative process, the monthly pensions are being paid.



4.I submit that the petitioners are not entitled to get wage arrear from 01.09.2016 to the date of retirement except the second petitioner, since as per 12(3) Settlement, the wage arrear should be paid to all employees from 01.09.2017 onwards as per the Government Order. All the petitioners except the second petitioner have attained the age of superannuation before 01.09.2017 and the second petitioner has retired from service on 30.09.2017 and hence, the second petitioner is eligible to get one month wage arrear and other petitioners are not eligible to get wage arrear. All the petitioners are eligible to get other benefits under Section 12(3) Settlement, dated 04.01.2018 and hence, action is being taken by this respondent to pay eligible benefits under Section 12(3) Settlement, dated 04.01.2018 to the petitioners at the earliest."

5.The learned counsel appearing for the respondents 2 to 4 seeks time to comply with the same.

6.In such view of the matter, this Court, without going into the merits of the petitioners' claim, directs the respondents to consider the claim of the petitioners, as per the Settlement, dated 04.01.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioners. 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-II)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road, Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Periyamallaguparai,
Trichy.



4. 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-52416[F] dated 07/03/2019)
+1 CC to M/s.D.SIVARAMAN, Advocate (SR-52355[F] dated 07/03/2019)
+1 CC to M/s.SPL GP (SR-52623[F] dated 08/03/2019)

PS

TE : 25/03/2019 : 4P/8C

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