



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WEB COPY

W.P (MD)No.9254 of 2019

1.R. Gothandaraman
2.S. Santhyagu
3.K.Saminathan
4.P. Devakannu

... 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) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyaamilguparai,
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 to issue a Writ of Mandamus directing the respondents to revise the pay for the period from 01.09.2016 to till 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 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 18% interest per annum based on the said settlement.



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For Petitioners : Mr.N. Sudhagar Nagaraj
For R1 : Mr. Aayiram K. Selvakumar
Additional Government Pleader
For R2 & R3 : Mr. D. Sivaraman
Standing Counsel
For R4 : Mr. A Swaminathan
Standing Counsel

ORDER

This writ petition has been filed for issuing a direction to the respondents to revise the pay for the period from 01.09.2016 to till 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 retirement benefits including monthly pension, wage arrears, gratuity, leave salary, commuted value of pension, Dearness allowance and all other attendant benefits payable to him together with 18% interest per annum based on the said settlement.

2. The case of the petitioners is that they have retired from service on 30.04.2017, 31.05.2017 and 31.05.2017 respectively and thereafter, they applied for their retirement benefits to the respondents. In the meanwhile, there was a trilateral settlement entered in between the management, the Government and employees' representatives, under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018 refixing the salary of the employees with retrospective effect from 01.09.2016 and accordingly, the petitioners retirement benefits have to be revised, for which, the petitioners have sent a representation, dated 30.01.2019. As there was no response to the same, the petitioners have filed the present Writ Petition.

3. Though this petition has been filed for the larger relief, the learned counsel appearing for the petitioners submits that the petitioners will be satisfied, if a direction is issued to the respondents, to consider the representation of the petitioners, dated 30.01.2019.

4. The learned Standing Counsel appearing for the respondents 2 to 4 would submit that the representation of the petitioners will be considered by the respondents in the light of the terms of settlement dated 04.01.2018 entered between the parties under Section 12(3) of the Industrial Disputes Act, 1947, within the time limit to be fixed by this Court.



5. Having regard to the limited scope of the prayer and also considering the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the petitioners case, directs the respondents 3 and 4 to consider the representation of the petitioners, dated 30.01.2019 and pass necessary orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioners. If the petitioners find to be eligible for revised payment, the same shall be disbursed to them within a period of two weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. Additional Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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 Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1 CC to M/s.D. SIVA RAMAN, Advocate (SR-83262[F] dated
26/08/2019)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-83252[F] dated
26/08/2019)

W.P (MD) No.9254 of 2019
22.08.2019

trp

JM/29.08.2019/3P/7C