

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

DATED: 28.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.21553 of 2017**

K.Thangaraju

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees 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 respondents to revise the pay of the petitioner in the post of Checking Inspector with retrospective effect from 04.05.2012 in terms of Government Order in G.O.Ms.No.61, Transport (C1) Department, dated 30.04.2015 and as per Settlement under Section 12 (3) of the ID Act, dated 13.04.2015 and further directing the respondents to pay the petitioner difference amount in his salary from 04.05.2012 to 31.03.2015 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 together with interest at the rate of 18% per annum.

For Petitioner : Mr.A.Rahul

For RR 1 & 2 : Mr.D.Sivaraman

For R - 3 : Mr.A.P.Muthupandian

**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 counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third 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 21.03.2016. 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 1 and 2 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 21.03.2016 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

// True Copy //

Sub Assistant Registrar (CS)

ps
To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.



2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

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

+1CC TO MR.A.RAHUL, Advocate Sr. No.50690

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 50834

W.P (MD) No.21553 of 2017
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TR (05.04.2019) 3P 6C