



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

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WEB COPY

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

**W.P. (MD) No.17112 of 2019**

1.K.Subramanian

2.T.Ramachandran

3.N.Jeyabal

4.N.Chinnadurai

5.M.Karunanithi

6.S.Durairaju

...Petitioners

Vs.

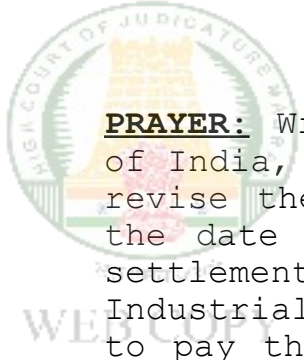
1.The Government of Tamil nadu,  
represented by its  
Additional Secretary to Government,  
Transport Department,  
Secretariat,  
Chennai - 600 009.

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) Ltd.,  
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, to issue a Writ of Mandamus, directing the respondents to revise the petitioners' pay for the period from 1.9.2013 to till the date of retirement of the petitioners based on the terms of settlement dated 13.4.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay them the difference amount in their salary for the period from 1.9.2013 to till the date of retirement of the petitioners and to pay difference in their 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 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 to direct the respondents to revise the petitioners' pay for the period from 1.9.2013 to till the date of retirement of them, pay the difference amount in their salary for the period from 1.9.2013 to till the date of retirement of them and to pay the difference amount in their retirement benefits with a reasonable rate of interest per annum.

2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, takes notice for the first respondent, Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents 2 and 3 and Mr.A.Swaminathan, learned Standing Counsel takes notice for the fifth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioners would submit that with reference to the prayer sought for in this writ petition, the petitioners sent a representation to the respondents on 22.01.2019. But, no action has been taken till date. Hence, the petitioners are before this Court for the relief stated supra.

4.In reply, the learned Standing Counsel appearing for the respondents 2 and 3 would submit that the petitioners' representation dated 22.01.2019 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.



5. In agreement with the submission made by the learned Standing Counsel, without expressing any opinion on the merits of the case, this Court directs the second respondent to consider the representation of the petitioners dated 22.01.2019 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Additional Secretary to Government,  
Government of Tamil Nadu,  
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.,  
Periyamilaguparai, Trichy.
4. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai, Chennai - 600 002.

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.79513

+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No. 79498

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**02.08.2019**

MR (CO)

TR (14.08.2019) 3P 7C