



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17264 of 2019

M.Kalyana Sundaram

...Petitioner

Vs.

- 1.The Government of Tamil nadu,
represented by its
Principal 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.,
Nagapattinam Region,
Nagapattinam.
- 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 petitioner's pay for the period from 1.9.2013 to 31.07.2014 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 the difference amount in the petitioner's salary for the period from 1.9.2013 to 31.07.2014 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 petitioner together with a reasonable rate of interest per annum based on the said settlement.



For Petitioner

:Mr.N.Sudhagar Nagaraj

For R1

:Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R2 & R3

:Mr.P.Balasubramanian
Standing Counsel

For R4

:Mr.A.Swaminathan
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to revise the petitioner's pay for the period from 1.9.2013 to 31.07.2014, to pay the difference amount in his salary for the period from 1.9.2013 to 31.07.2014 and to pay the difference amount in his 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.P.Balasubramanian, learned

Standing Counsel takes notice for the respondents 2 and 3 and Mr.A.Swaminathan, learned Standing Counsel takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that with reference to the prayer sought for in this writ petition, the petitioner sent a representation to the respondents on 12.07.2019. But, no action has been taken till date. Hence, the petitioner is 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 petitioner's representation dated 12.07.2019 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 12.07.2019 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.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar (CS)

To

1. The Principal 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.,
Nagapattinam Region,
Nagapattinam.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1 CC to Mr. N. SUDHAGAR NAGARAJ, Advocate SR-80052.
+1 CC to Mr. P. BALASUBRAMANIAN, Advocate SR-80041.
+1 CC to SPL GP SR-80290.

W.P. (MD) No.17264 of 2019

CS(19.08.2019) 3P 8C