



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 18551 of 2019

1. R. Rajendran

2. V. Thangavel

.. Petitioners

Vs.

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.

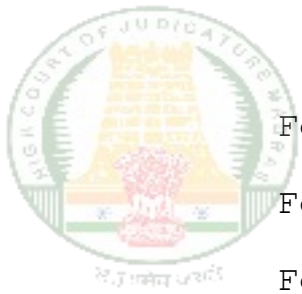
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy.

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

.. Respondents

PRAYER: Writ Petition is 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 01.09.2013 to till the date of retirement of the petitioners, based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947 and further directing the respondents to pay them the difference amount in their salary for the period from 01.09.2013 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 interest per annum based on the said settlement.

For Petitioners : Mr. N. Sudhagar Nagaraj



For R1 : Mr.A.Muthukaruppan
Additional Government Pleader
For R2 and R3 : Mr.D.Sivaraman
Standing Counsel
For R4 : Mr.A.Swaminathan
Standing Counsel

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ORDER

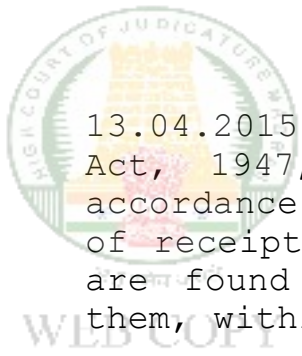
This Writ Petition has been filed by the petitioners seeking a direction to the respondents to revise the petitioners' pay for the period from 01.09.2013 to till the date of retirement of the petitioners, based on the terms of settlement dated 13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947 and further directing the respondents to pay them the difference amount in their salary for the period from 01.09.2013 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 interest per annum based on the said settlement.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the first respondent. Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents 2 and 3. Mr.A.Swaminathan, learned Standing Counsel takes notice for the fourth respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioners submitted that the authority has to consider the grievance of the petitioners and pass orders in accordance with law and further requested that if the respondents came to the conclusion that the petitioners are eligible for the payment of pay revision arrears as per the settlement, the respondents have to settle the amount as expeditiously as possible, but, till now, the respondent Management has not passed any orders on the petitioners' representation.

4.The learned Standing Counsel appearing for the respondents 2 and 3 as well as the learned Standing Counsel appearing for the fourth respondent submitted that the respondents 3 and 4 would dispose of the representation of the petitioners, dated 12.07.2019, within a time limit to be fixed by this Court.

5.Recording the abovesaid submission made by the learned Standing Counsel appearing for the respondents 2 and 3 as well as the learned Standing Counsel appearing for the fourth respondent, this Writ Petition is disposed of directing the respondents 3 and 4 to consider the representation of the petitioners, dated 12.07.2019, in the light of the terms of settlement dated



13.04.2015 entered under Section 12(3) of the Industrial Disputes Act, 1947, and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. In case, if the petitioners are found eligible, the eligible amount shall be disbursed to them, within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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.,
Periyamilaguparai,
Trichy.

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

+2 CC to M/s.N.SUDHAGAR NAGHARAJ, Advocate (SR-83658[F] dated 27/08/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-83724[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-83968[F] dated 28/08/2019)

SMN2

W.P. (MD)No.18551 of 2019
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