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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23073 of 2019

1.P.Raman
2.P.Mohan

... Petitioners

-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) Limited,
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 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 for issuance of a Writ of Mandamus , directing the respondents to revise the pay for the period from 01.09.2016 to till the 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 the 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 reasonable rate of interest per annum based on the said settlement .



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For Petitioners

: Mr.N.Sudhagar Nagaraj

For R1

: Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

For R2 & R3

: Mr.D.Sivaraman

For R4

: Mr.A.Swaminathan

ORDER

This Writ petition has been filed for a direction to the respondents to revise the pay for the period from 01.09.2016 to till the 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 the 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 reasonable rate of interest per annum based on the said settlement .

2.Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader, takes notice on behalf of the first respondent, Mr.D.Sivaraman, learned Standing counsel, takes notice for the respondents 2 and 3 and Mr.A.Swaminathan, learned counsel, takes notice for the fourth respondent. By consent of parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3.The learned counsel appearing for the petitioners submitted that the petitioners have joined service in the 2nd respondent Corporation on 13.03.1988 and 07.11.1984 respectively. The service conditions of the employees of the Transport Corporation is governed by periodical settlements entered into between the management and the representatives of the Trade Union under Section 12(3) of the Industrial Dispute Act, 1947. By the Settlement dated 04.01.2018, the respondents Corporation agreed to grant revised basic pay. Clause I of the said settlement deals with fixing the revised basic pay as on 01.09.2016. The amount at the rate of 2.44 factor, computed from their existing basic pay and grade pay drawn by the petitioners as on 01.09.2016, shall be added to their basic pay and the same shall be their revised basic pay. The above settlement came into effect from 01.09.2016. The petitioners are entitled to get revision of their pay from 01.09.2016 to till the date of their retirement from service. Therefore, the petitioners made representations to the respondents Corporation on 06.09.2019 in this regard, but no action has been taken by the respondents Corporation so far. Hence, the petitioners have come up with the present Writ



petition.

4. Even though the learned counsel for the petitioners raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioners, dated 06.09.2019 in terms of 12 (3) settlement, within a time frame.

5. Considering the submission of the learned counsel for the petitioners, without deciding the issue on merits, a direction is issued to the respondents to consider the representation of the petitioners, dated 06.09.2019 and pass orders thereon, in terms of the 12(3) settlement, within a period of twelve (12) weeks from the date of receipt of a copy of this order. If the petitioners are found eligible to any benefits, the same shall be paid within a period of six weeks thereafter.

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

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

msa

To
The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.95611
+1CC TO MR.N.SUNDHAGAR NAGARAJ, Advocate Sr. No.95869
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 95959

W.P. (MD) No.23073 of 2019
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