



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD) No.17618 of 2018

D.John

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Corporate Office,
V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District - 627 003.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.

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 praying for the issuance of a writ of Mandamus, directing the respondents to revise the pay for the period from 01.09.2016 to 31.10.2016 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 31.10.2016 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 a reasonable rate of interest @6% per annum based on the said settlement.



For Petitioner : Mr.N.Sudhagar Nagaraj
For R - 1 : Mr.Aayiram K.Selvakumar
Additional Government Pleader.
For R2 to R4 : Mr.K.Sathiya Singh
Standing Counsel

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ORDER

This writ petition has been filed to direct the respondents to revise the pay of the petitioner, as per the Settlement under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018 and further to direct the respondents to pay the difference amount in the salary, retirement benefits etc., to the petitioner.

2.The learned counsel appearing for the petitioner submitted that though the petitioner, who joined in the office of the second and third respondents, was allowed to retire from service, as per the Settlement, dated 04.01.2018, the respondents have not granted the revised basic pay for the period from 01.09.2016 to 31.10.2016. In this regard, the petitioner has sent a representation to the respondents on 25.07.2018. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.

3.The learned Standing Counsel appearing for the respondents 2 to 4 seeks time to comply with the same.

4.In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the claim of the petitioner, as per the Settlement, dated 04.01.2018 and pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional Chief Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
Transport Department,
Secretariat, Chennai - 600 009.



2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
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+1 CC to M/s.N.DUDHAGAR NAGARAJ, Advocate (SR-76987[F]
dated 23/07/2019)

+1 CC to M/s.SPL GP (SR-77222[F] dated 24/07/2019)

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AM/SAR/06.08.2019/3P-7C