



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.11.2019

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P. (MD) No.23155 of 2019**

A.Mathialagan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,  
Represented by its  
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 pay for the period from 1.9.2016 to 31.05.2018 based on the terms of settlement dated 4.1.2018 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 1.9.2016 to 31.05.2018 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 petitioner together with a reasonable rate of interest per annum based on the said settlement.



For Petitioner : Mr.N.Sudhagar Nagaraj  
For R1 : Mr.VR.Shanmuganathan,  
Special Government Pleader  
For R2 to R4 : Mr.P.Balasubramanian

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**ORDER**

This Writ Petition is filed to direct the respondents to revise the pay for the period from 1.9.2016 to 31.05.2018 based on the terms of settlement dated 4.1.2018 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 1.9.2016 to 31.05.2018 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 petitioner together with a reasonable rate of interest per annum based on the said settlement.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader, takes notice for the first respondent and Mr.P.Balasubramanian, learned Standing counsel, takes notice for the respondents 2 to 4.

3.By consent of both parties, the Writ Petition itself is taken up for final hearing at the stage of admission itself.

4. According to the petitioner, he joined the services of the second respondent corporation with effect from 21.02.1985 and retired on 31.05.2018. A settlement under Section 12(3) of the I.D. Act, dated 04.01.2018, was entered into between the trade unions in the State Transport Undertakings and management of 9 Transport Corporations in the State, giving revision of pay from 01.09.2016 and revised pension to all the retired employees covered under 12(3) Wage Settlement, who retired / expired / exit on or after 01.09.2016. The said settlement came into force with retrospective effect from 01.09.2016, even though it was belatedly reached and signed between the parties on 04.01.2018. Therefore, the petitioner has given a representation dated 30.09.2019, to the respondents, seeking pay revision given under the above settlement. However, no order has been passed thereon. Hence, the petitioner has come out with the present Writ Petition.

5. Considering the nature of relief sought for by the petitioner, the respondents are directed to consider the representation of the petitioner dated 30.09.2019 and pass orders thereon, in terms of 12(3) settlement, dated 04.01.2018, within a period of six weeks from the date of receipt of a copy of this order. If the petitioner is 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.  
There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Am

To

The Secretary to Government,  
Government of Tamil Nadu,  
Transport Department,  
Secretariat,  
Chennai-600 009.

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate ( SR-95871[F] dated  
04/11/2019 )

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate ( SR-95893[F] dated  
04/11/2019 )

+1 CC to SPL GP ( SR-96079[F] dated 05/11/2019 )

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