



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2019

CORAM:

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

W.P. (MD) No.23773 of 2019

WEB COPY

1.A.Irudhayaraj
2.P.Muthusamy
3.P.Ganesapathar

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government
Transport Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Managing Directorate
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 filed under Article 226 of the Constitution of India for issuance of 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 18% interest per annum based on the said settlement.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.D.Sivaraman

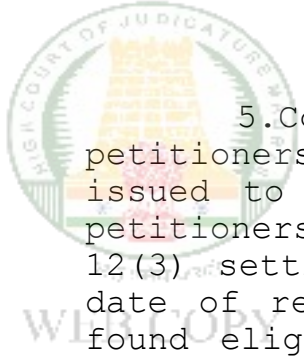
**ORDER**

This Writ Petition is filed to direct 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 to direct 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 18% interest per annum based on the said settlement.

2.Mr.D.Sivaraman, learned Standing counsel, takes notice for the respondents. 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 petitioners have joined service on 27.05.1986, 04.06.1992 and 03.03.1980 respectively in the respondents Corporation and at the time of retirement, the first and second petitioners were designated as Special Grade Assistant and the third petitioner was designated as Foreman and they were retired on 31.12.2016, 31.05.2017 and 31.12.2017 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 09.09.2019 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.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 09.09.2019, 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 09.09.2019 and pass orders thereon, in terms of 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 (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Gns
To

1. The Secretary to Government
Transport Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Managing Directorate
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.

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

+1 CC to M/s. N. SUNDHAGAR NAGARAJ, Advocate (SR-97650[F] dated 12/11/2019)

+1 CC to M/s. D. SIVARAMAN, Advocate (SR-97823[F] dated 13/11/2019)

+1 CC to M/s. SPL GP (SR-98070[F] dated 13/11/2019)

W.P. (MD) No. 23773 of 2019
12.11.2019

VB(04.12.2019) 3P 8C