



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.23137 of 2019

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K.Vijayarajan

... Petitioner

Vs.

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

2.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

3.The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

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 petitioner's pay for the period from 1.9.2013 to 30.09.2013 based on the terms of settlement dated 13.4.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay him the difference amount in his salary for the period from 1.9.2013 to 30.09.2013 and to pay difference in the retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with 18% of interest per annum based on the said settlement.



For Petitioners : Mr.N.Sudhagar Nagaraj

For R1 : Mr.S.Dhayalan,
Government Advocate

For R2 to R4 : Mr.K.Sathiyasingh

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ORDER

This writ petition is filed for a direction to the respondents to revise the petitioner's pay for the period from 1.9.2013 to 30.09.2013 based on the terms of settlement dated 13.4.2015 entered under Section 12(3) of Industrial Disputes Act, 1947 and further directing the respondents to pay the difference amount in his salary for the period from 1.9.2013 to 30.09.2013 and to pay difference in the retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner together with 18% of interest per annum based on the said settlement.

2. Mr.S.Dhayalan, learned Government Advocate takes notice for the first respondent and Mr.K.Sathiyasingh, learned counsel takes notice for the respondents 2 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioner would submit that with reference to the prayer sought for in this writ petition, the petitioner sent a representation to the respondents on 09.09.2019. But, no action has been taken till date. Hence, the petitioner is before this Court for the relief stated supra.

4. In reply, the learned Standing Counsel appearing for the respondents 2 to 4 would submit that the petitioner's representation, dated 09.09.2019 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. In agreement with the submission made by the learned Standing Counsel, without expressing any opinion on the merits of the case, this Court directs the second respondent to consider the representation of the petitioner dated 09.09.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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

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Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-95868[F] dated 04/11/2019)

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-96066[F] dated 05/11/2019)

+1 CC to M/s.SPL GP (SR-96076[F] dated 05/11/2019)

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