



WP(MD)No.17208 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP(MD)No.17208 of 2024

and

WMP(MD)Nos.14831 and 14832 of 2024

1. The Management,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Regional Office,
Karaikudi,
Represented through its General Manager.
 2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Pallavan Salai,
Chennai 600 002.
- ... Petitioners

Vs.

N. Suriyanarayanan

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records on the files of the Hon'ble Labour Court, Madurai pertaining to its proceedings in C.P No.6 of 2020 dated 05-03-2024 and quash the same.

For Petitioners : Mr.S.C.Herold Singh
For Respondent : No appearance



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ORDER

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WMP(MD)No.14831 of 2024 filed to permit the petitioners to file single writ petition is allowed.

2. This writ petition is filed to issue a Writ of Certiorari, calling for the records on the files of the Labour Court, Madurai, pertaining to its proceedings in C.P No.6 of 2020 dated 05-03-2024 and quash the same.

3. The facts of the case are that the respondent/employee entered into the service of the petitioner Corporation as a Conductor on daily wage basis in the year 1980. He was regularised in the year 1982, promoted as Selection Grade Conductor in the year 1995 and promoted as Checking Inspector in the year 2010. He was further promoted as Traffic Inspector in 2015. He attained the age of superannuation on 28.02.2017 and retired from service on that date. At the time of retirement, the petitioner was fixed in the basic pay of Rs.17,630/- + Rs.4400/- grade pay. When the petitioner was in service, there was a settlement entered by the petitioner Corporation in respect of wages and service condition which is valid for three years and thereby the respondent was paid wages and other benefits as per the settlement entered on 22.01.2011 with the effect from



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01.09.2010 and the same was communicated by the Special Deputy Commissioner of Labour. However, the petitioner failed to implement the government order in G.O(Ms)No.61, Transport Department dated 30.04.2015 on the basis of 12(3) settlement. For non fixation of the basic pay and grade pay in terms of the above settlement, the respondent filed a computation petition under Section 33(C)(2) of the Industrial Disputes Act and the same was allowed in his favour. Challenging the same, the present writ petition has been filed.

4. Learned counsel for the petitioner would submit that even on a bare perusal of the computation petition filed under Section 33(C)(2) of the Industrial Disputes Act, makes it clear that the respondent did not made any claim before the authorities on the basis of the pre-existing rights. His entire claim was that 12(3) settlement benefit was not extended to the respondent thereby, he filed a petition under Section 33(C)(2) of the Industrial Disputes Act. Such a petition is not maintainable before the authority and the authority can adjudicate only in respect of the pre-existing right. If the pre-existing right of the clam is established before the authority, then the authority has power to direct the petitioners corporation to pay the benefit which was admitted. However, without considering the



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same, on the basis of the order passed by this court in the writ proceedings, the benefit was extended to the respondent which is impermissible one. On that score alone, the impugned order is liable to be set aside.

5. Though the name of the respondent is printed in the cause list, no one appeared for the respondent. Therefore, this Court is inclined to dispose of the case on the basis of the available materials.

6. Perusal of the computation petition filed under Section 33(C)(2) of the Industrial Disputes Act shows that the respondent did not made any claim before the authorities on the basis of the pre-existing rights. His entire claim was that 12(3) settlement benefit was not extended to the respondent and hence he filed a petition under Section 33(C)(2) of the Industrial Disputes Act. Such a petition is not maintainable before the authority and the authority can adjudicate only in respect of the pre-existing right. If the pre-existing right of the clam is established before the authority, then the authority has power to direct the petitioners corporation to pay the benefit which was admitted. However, without considering the same, on the basis of the order passed by this court in the writ proceedings, the benefit was extended to the respondent which is impermissible one.



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Hence, the impugned order is liable to be set aside and accordingly set aside.

7. In the result, the Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

06.08.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

The Judge,
Labour Court,
Madurai.



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M.DHANDAPANI, J.

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ORDER MADE IN
W.P(MD)No.17208 of 2024
DATED : 06.08.2026