

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.2124 and 2125 of 2017

M.N. Madhu

Petitioner in W.P.2124/2017

P. Nallusamy

Petitioner in W.P.2125/2017

Vs

1 The Managing Director  
Tamil Nadu State Transport  
Corporation(Salem) Limited  
No.12, Ramakrishna Road  
Salem - 636 007

2. The Administrator  
Tamil Nadu State Transport  
Corporation (Salem) Limited  
Employees Post Retirement Welfare Fund Scheme  
Thiruvalluvar House, Pallavan Salai  
Chennai - 600 002

Respondents in both petitioners

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to pay all the monetary benefits entitle to the petitioner pursuant to the 12<sup>th</sup> Wage Settlement dated 13-04-2015 entered between the employees and Management of the 1<sup>st</sup> respondent corporation under Section 12(3) of the Industrial Disputes Act 1947 with interest at 12% per annum within the time stipulated by this Court and pass orders.

For petitioners : Mr. A. Selvaraju  
in both WP's  
For respondents : Mr. R.K. Gandhi  
in both WP's

ORDER

Mr. R.K. Gandhi, learned counsel accepts notice on behalf of respondents.

2. By consent, the writ petitions are taken up for final disposal.

3. The petitioners joined the services of the Tamil Nadu State Transport Corporation (Salem) Limited as Conductor and Junior Tradesman during the year 1979 and 1982 and got their promotion as a Selection Grade Senior Conductor and Senior Tradesman, after completion of 35 years and 32 years of service, got retired from service on 31-01-2015 and 31-08-2014, respectively. The Management and the employees of the Corporation had entered into a wage settlement on 13-04-2015 under Section 12(3) of the Industrial Disputes Act, 1947, called 12<sup>th</sup> Wage Settlement. The 12<sup>th</sup> Wage Settlement revised the salary and other benefits of the employees with retrospective effect from 01-09-2013. The petitioners having been conferred with the retiral benefits under the 12<sup>th</sup> Wage Settlement had not been settled with the same on their retirement. Hence, they moved this Court by way of a writ petition in W.P.Nos.16060 and 19072 of 2016 praying for conferment of terminal benefits based upon the Division Bench order of the Madurai Bench of this Court in W.P.(MD) Nos.632 to 636 of 2015 dated 21-01-2015 (K. Rajendran Vs. Tamil Nadu State Transport Corporation (Madurai) Ltd.), wherein the terminal benefits were directed to be settled in twelve equal monthly instalments. As such, the petitioners received the terminal benefits based on the old wage settlement. The grievance expressed by the petitioners is that they are entitled to the benefits conferred upon them under the abovesaid Wage Settlement dated 13-04-2015 and since the representations dated 03-01-2017 and 04-01-2017 submitted by them have not been considered, they have filed the present writ petitions.

4. This Court, heard the submissions of the learned counsel for the petitioners and the learned Special Government Pleader.

5. Though the petitioners pray for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioners, directs the respondents to consider the representations of the petitioners and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.

6. The writ petitions are disposed of accordingly. No costs.

s/d-  
Assistant Registrar(CCC)

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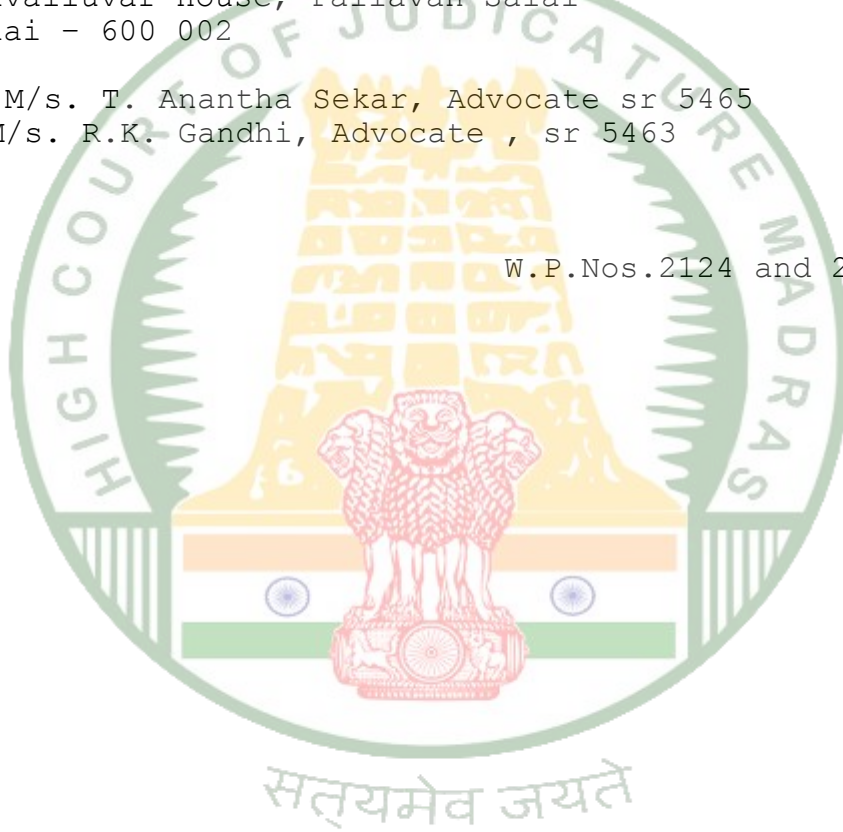
Sub-Assistant Registrar

To

- 1 The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Limited  
No.12, Ramakrishna Road  
Salem - 636 007
  2. The Administrator  
Tamil Nadu State Transport  
Corporation (Salem) Limited  
Employees Post Retirement Welfare Fund Scheme  
Thiruvalluvar House, Pallavan Salai  
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- +2 CCS to M/s. T. Anantha Sekar, Advocate sr 5465  
+1 CC to M/s. R.K. Gandhi, Advocate , sr 5463

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