

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27661 of 2019

A.Vanajamunian

... Petitioner

vs

1.The Managing Director(i/c)
State Express Transport Corporation
of Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002

2.The General Manager,
State Express Transport Corporation
of Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002

3.The Branch Manager,
State Express Transport Corporation
of Tamil Nadu Limited,
Maraimalai Adigal Salai,
Puducherry-1.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to sanction 3% increase in the petitioner's pay from 01.04.2016 and also sanction 3% annual increment in salary from February, 2015 based on Settlement dated 13.04.2015 arrived at under Section 12(3) of the Industrial Disputes Act, 1947 onwards and pay his entire arrears of salary with interest at 18%.

For Petitioner : Mr.D.Sadhasivan

For Respondents : M/s.Rajeni Ramadoss

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 herein to sanction 3% increase in the petitioner's pay from 01.04.2016 and also sanction 3% annual increment in salary from February, 2015 based

on Settlement dated 13.04.2015 arrived at under Section 12(3) of the Industrial Disputes Act, 1947 onwards and pay his entire arrears of salary with interest at 18%.

2. The writ petitioner states that he is working as Time Keeper at Tambaram Bus stand, State Express Transport Corporation. He was initially appointed as a Conductor and thereafter, his services were regularized from the initial date of appointment.

3. The grievances of the writ petitioner is that though he was promoted as Senior Selection Grade Conductor, the increased scale of pay as admissible has not been paid to him. The petitioner claims that he is entitled to have 3% increase of salary for the 4th Review as per Clause 3 of the Settlement dated 13.04.2015 arrived at under Section 12(3) of the Industrial Disputes Act. However, the said amount has not been paid to the writ petitioner so far. For the first three reviews, the payment was made not in time and the arrears of salary due to the writ petitioner was also not paid.

4. Under these circumstances, the petitioner is constrained to file the present writ petition mainly on the ground that he has not submitted brief representations to the respondents and most of the representations were considered.

5. This Court is of the considered opinion that the writ petitioner in respect of the violations of 12(3) settlement, has to approach the appropriate Forum for adjudication of the disputed issues. The Management has not paid the increased salary as per the claim of the writ petitioner. Thus, there is a dispute and the writ petitioner has to adjudicate the said dispute before the competent Forum by submitting the documents and adducing evidences. Such an exercise cannot be done by the High Court under Article 226 of the Constitution of India. All such disputed facts are to be adjudicated in the manner prescribed and by following the procedures.

6. This being the factum, this Court is of the opinion that the writ petitioner has to approach the appropriate Forum for the purpose of redressal of his remedy. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director(i/c)
State Express Transport Corporation
of Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002.

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3.The Branch Manager,
State Express Transport Corporation
of Tamil Nadu Limited,
Maraimalai Adigal Salai,
Puducherry-1.

+1cc to Mr.D.Sadhasivan, Advocate Sr.80046

+1cc to Mr.S.Rajeni Ramadass, Advocate Sr.80683

W.P.No.27661 of 2019

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srg 05/11/2019



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