



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.169 of 2020

V.Manoharan

... Petitioner

-vs-

1.The Management of
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. by its General Manager,
Dindigul.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Annal Salai, Chennai-2. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to revise the scale of pay of the petitioner w.e.f.01.09.16, based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.2016 to 31.10.2016 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from November, 2016 and commuted value of pension, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from November, 2016 and also balance of commuted value of pension, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.J.Senthil Kumariah

**ORDER**

This Writ petition has been filed for a direction to the first respondent to revise the scale of pay of the petitioner w.e.f. 01.09.16, based on the new wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of wages for the period from 01.09.2016 to 31.10.2016 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from November, 2016 and commuted value of pension, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from November, 2016 and also balance of commuted value of pension, together with 18% interest per annum.

2.Mr.J.Senthil Kumariah, learned Standing Counsel takes notice on behalf of 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 petitioner submitted that the petitioner has joined service in the first respondent Corporation as Driver on 16.12.1987. 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 respondent 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 his existing basic pay and grade pay drawn by the petitioner as on 01.09.2016, shall be added to his basic pay and the same shall be his revised basic pay. The above settlement came into effect from 01.09.2016. The petitioner is entitled to get revision of his pay from 01.09.2016 to till the date of his retirement from service. Therefore, the petitioner made representation to the respondents on 15.10.2019 in this regard, but no action has been taken by the respondent Corporation so far. Hence, the petitioner has come up with the present Writ petition.

4.Even though the learned counsel for the petitioner 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 petitioner, dated 15.10.2019 in terms of 12(3) settlement, within a time frame.



5.Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, a direction is issued to the respondents to consider the representation of the petitioner, dated 15.10.2019 and pass orders thereon, in terms of the 12(3) settlement, within a period of twelve (12) weeks from the date of receipt of a copy of this order. If the petitioner is 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-869[F] 08/01/2020)

W.P. (MD) No.169 of 2020
06.01.2020

smn

SDS (22.01.2020) 3P-2C