



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1111 of 2020

WEB COPY

P.Palanivelu

... Petitioner

vs.

1.The Management of

Tamil Nadu State Transport Corporation(Madurai) Ltd.,

Dindigul Region

Represented by its General Manager

Dindigul

2.The Administrator

Tamil Nadu State Transport Employees' Pension Fund Trust

Thiruvalluvar Illam

Anna Salai

Chennai - 2

... Respondents

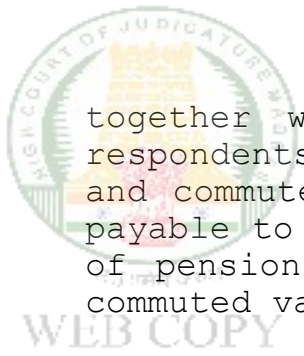
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revise the scale of pay w.e.f.01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay the difference/arrears of wages for the period from 01.09.2016 to 30.12.2017 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 2017, 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 2017 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.T.Senthil Kumariah

O R D E R

This Writ petition has been filed for a direction to the first respondent to revise the scale of pay w.e.f.01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay the difference/arrears of wages for the period from 01.09.2016 to 30.12.2017 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 2017, 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 2017 and also balance of commuted value of pension, together with 18% interest per annum.

2.Mr.T.Senthil Kumariah, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3.According to the petitioner, he was appointed as Tradesman in the respondents Corporation from 24.04.1990. After completion of 28 years of service and finally working as Senior Grade Tradesman with Staff No.TR41541 in the respondents Corporation and he was retired from service on 31.10.2017 on attaining the age of superannuation. 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. Clause I of the said settlement deals with fixing the revised basic pay as on 01.09.2016. Therefore, the petitioners made representation to the respondents Corporation on 15.10.2019 in this regard, but no action has been taken by the respondents Corporation so far. Hence, the petitioners have come up with the present Writ petition.

4.The learned counsel appearing for the respondents would submit that the representation of the petitioner, dated 15.10.2019 will be considered in terms of 12(3) settlement.

5.Considering the submission of the learned counsel for the respondents, 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, dated 04.01.2018, within a period of eight (8) 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.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Management of
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Dindigul Region
Represented by its General Manager
Dindigul

2.The Administrator
Tamil Nadu State Transport Employees' Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai - 2

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-2551[F] dated
23/01/2020)

W.P. (MD) No.1111 of 2020

22.01.2020

_KK/SAR/05.02.2020/3P-4C/