



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8767 of 2020

V.Vaithilingam

... Petitioner

Vs.

1) The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Rep. By its Managing Director,
Kumbakonam.

2) The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.

3) The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan salai,
Chennai 600 002

... Respondents

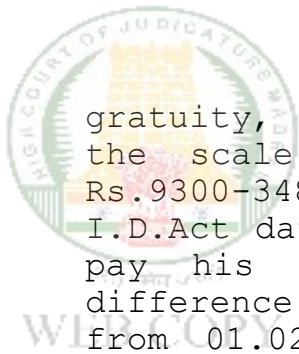
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the petitioner's gratuity, earned leave salary, commuted value of pension based on the scale of pay in the post of Checking Inspector, (i.e.) Rs.9300-34800+4300/- as per the settlement under Section 12(3) of I.D.Act dated 04.01.2018 and consequently direct the respondents to pay his difference amount in gratuity, earned leave salary, difference amount in commuted value of pension and pension arrears from 01.02.2016 to October 2019 based on the scale of pay of Rs.9300-34800+4300/- together with interest at 18% per annum from the date of retirement of the petitioner to till the disbursement of the above amounts.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian.
Standing counsel

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to revise the petitioner's



gratuity, earned leave salary, commuted value of pension based on the scale of pay in the post of Checking Inspector, (i.e.) Rs.9300-34800+4300/- as per the settlement under Section 12(3) of I.D.Act dated 04.01.2018 and consequently direct the respondents to pay his difference amount in gratuity, earned leave salary, difference amount in commuted value of pension and pension arrears from 01.02.2016 to October 2019 based on the scale of pay of Rs.9300-34800+4300/- together with interest at 18% per annum from the date of retirement of the petitioner to till the disbursement of the above amounts.

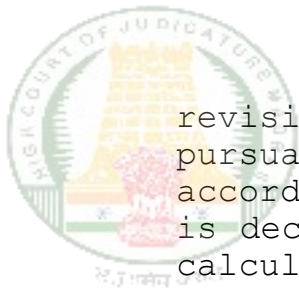
2. The petitioner, after having served for several years at the respondent Transport Corporation, retired from service on superannuation on 31.01.2016 as Checking Inspector. After his retirement, on 04.01.2018, a Wage Settlement was reached between the Employee and Employer, as a result of which, the pay revision could be made for the category of Checking Inspectors retrospectively from 01.09.2010. If the said pay revision is effected from 01.09.2010 retrospectively, pursuant to the Wage Settlement, dated 04.01.2018, certainly the petitioner would be entitled to get the benefit from 01.09.2010 upto 31.01.2016, the date on which he retired on superannuation. Therefore, the said difference of pay have to be calculated and paid to the petitioner, which the respondents have not done so far. Therefore, the petitioner on 15.10.2019 has given a representation to the respondents and even that was also not considered. Therefore, the petitioner is before this Court.

3. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and perused the materials placed before this Court.

4. Mr.P.Balasubramanian, learned standing counsel appearing for the respondents would submit that, the claim made by the petitioner to get revised pay, based on the Wage Settlement, dated 04.01.2018, which according to the petitioner, would be applicable for Checking Inspectors retrospectively from 01.09.2010, has to be considered by the respondents and if it is really applicable to the petitioner, that would be considered accordingly, otherwise, the entitlement of the petitioner would be decided on merits and accordingly, necessary orders to that effect would be passed on the representation of the petitioner, dated 15.10.2019 within the time frame to be stipulated by this Court.

5. I have considered the said submissions made by both sides and by taking into account the factual matrix as has been projected by both sides, this Court is inclined to dispose of the writ petition with the following order:

"that the respondents are hereby directed to consider the representation of the petitioner, dated 15.10.2019 and decide the same on merits and in accordance with law, as the petitioner would be entitled to get pay



revision in the cadre of Checking Inspector from 01.9.2010 pursuant to the Wage Settlement, dated 04.01.2018 and accordingly, decide his entitlement and ultimately, if it is decided in favour of the petitioner, the quantum can be calculated and be paid thereafter immediately.

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The aforesaid exercise shall be undertaken by the respondents within a period of three months from the date of receipt of a copy of this order."

6. With these observations and directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Managing Director,
Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2) The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.
- 3) The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan salai,
Chennai 600 002

+1 CC to Mr.P. BALASUBRAMANIAN, Advocate (SR-13925[F] dated 12/08/2020)

Order made in

W.P. (MD) No.8767 of 2020

06.08.2020

VB (08.09.2020) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>