



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2020**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9210 of 2020

K.Ganesan

... 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) Ltd.,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to revise the petitioner's scale of pay in the post of Selection Grade checking Inspector with effect from 01.09.2010 as per Clause 1, 2 and 5 of the settlement under Section 12(3) of the I.D., Act dated 04.01.2018 by applying the scale of pay of Rs.9300-34800+4300 and also by multiplying with factor 2.44 with dearness allowance and consequently direct the respondents to pay him difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension payable to him based on 13th wage settlement dated 04.01.2018 together with interest 18% per annum payable from the date of his retirement to till the date on which the above monetary benefits are settled to him.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian
Standing Counsel



ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to revise the petitioner's scale of pay in the post of Selection Grade Checking Inspector with effect from 01.09.2010 as per Clause 1, 2 and 5 of the settlement under Section 12(3) of the I.D., Act, dated 04.01.2018 by applying the scale of pay of Rs.9300-34800+4300 and also by multiplying with factor 2.44 with dearness allowance and consequently, direct the respondents to pay him difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension payable to him based on 13th wage settlement, dated 04.01.2018 together with interest 18% per annum payable from the date of his retirement to till the date, on which, the above monetary benefits are settled to him.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner was working as an employee of the respondent Corporation from 1989 and retired on 31.12.2016, on superannuation. Though the petitioner seems to have received the retiral benefits, his grievance appears to be that, as per the settlement reached between the employer and employee under Section 12(3) of the Industrial Dispute Act, w.e.f 01.09.2016, the petitioner is eligible to get 2.44% higher pay, which comes, according to the petitioner, a sum of Rs.4300/- and based on which, the pay has to be recalculated and accordingly, the retiral benefits including the pensionary benefits such as gratuity, leave salary and commutation has to be paid. In this regard, the petitioner has given a representation, dated 15.02.2020 to the respondents and the same so far has not been considered. Therefore, the petitioner is before this Court.

5.Hence, the learned counsel appearing for the petitioner would submit that, if the said representation is directed to be considered by the respondents on merits and in accordance with law, the petitioner would be satisfied.

6.The learned Standing Counsel appearing for the respondents would submit that, the petitioner, on retirement, has received all the retiral benefits. Therefore, if at all, he seeks any such benefits, as has been claimed in the representation, referred to above, the eligibility of the petitioner to make such a claim would



be verified by the respondents Transport Corporation and accordingly, they will act upon by disposing the representation.

7.I have considered the said submissions made by the learned counsel appearing for both sides and in view of the above, this Court is inclined to dispose of this writ petition with the following direction:

'that the respondent Transport Corporation shall consider the representation of the petitioner, dated 15.02.2020 and decide as to whether the petitioner is eligible to get higher pay, as he claimed in the representation and accordingly, pass orders on the representation, within a period of eight (8) weeks from the date of receipt of a copy of this order.'

8.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

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.

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-14089[F]
dated 14/08/2020)

W.P.(MD)No.9210 of 2020

13.08.2020

SCR(CO)

NR (05.10.2020) 3P 2C