



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2020

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9231 of 2020

WEB COPY

V.Mahalingam

... Petitioner

Vs.

- 1.The Management of Tamil Nadu
State Transport Corporation,
(Kumbakonam) Limited,
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.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to directing the respondents to revise my scale of pay in the post of Checking Inspector as well as in the post of Traffic Inspector with retrospective effect from 01.09.2010 as per Clause 1,2 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 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 payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 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

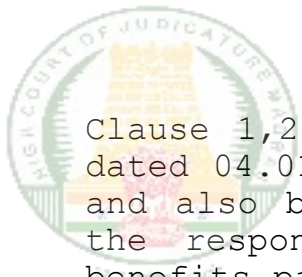
For Respondents

:Mr.P.M.Vishnuvarthanan

Standing counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents to revise the petitioner's scale of pay in the post of Checking Inspector as well as in the post of Traffic Inspector with retrospective effect from 01.09.2010 as per



Clause 1,2 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 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 payable to him based on 13th wage settlement dated 04.01.2018 together with interest at 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 the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The petitioner was working as Traffic Inspector and after rendering service from 03.08.1981 to 30.11.2016, he retired from service on superannuation on 30.11.2016. Even though on his retirement, retiral benefits had been given to him, the pay revision as per the settlement reached between the employer and employee under Section 12(3) of the Industrial Disputes Act, dated 01.09.2016 has not been paid and accordingly, a sum of Rs.4,400/- additional pay has to be paid to the petitioner, which related to dearness allowance and taking into account of such pay revision, his arrears of pay as well as pensionary benefits has to be paid to him, which the respondents have not done so far. Therefore, the petitioner on 15.02.2020 has given a representation to the respondents and since the same has not been considered so far, the petitioner has approached this Court.

4. The learned counsel for the petitioner would submit that, the petitioner would be entitled to get the pay revision as per the 12(3) settlement and several orders to that effect have been passed by this Court. Therefore, the petitioner's request made through the representation may be directed to be considered and orders to that effect is directed to be passed within a time frame on merits and in accordance with law.

5. Heard the learned standing counsel appearing for the respondents, who would submit that, as to whether the petitioner would be entitled to get such pay revision as per Section 12(3) settlement dated 04.01.2018 would be verified and accordingly, suitable decision would be taken by considering the representation of the petitioner dated 15.02.2020.

6. Having regard to the said submissions made by the learned counsel for both sides and by considering the aforesaid factual matrix, since this Court has also passed several orders of this nature, which had similar prayer, this writ petition is disposed of with the following order:

"That the respondents are hereby directed to consider the representation of the petitioner dated 15.02.2020 and verify whether



the petitioner is eligible to get pay revision as per 12(3) settlement of the Industrial Disputes Act, dated 04.01.2018 and accordingly, decide his eligibility and if he is eligible to get the pay revision, the same shall be calculated and paid to the petitioner. The needful as indicated above shall be done by the respondents within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

RR

To

- 1.The Management of Tamil Nadu
State Transport Corporation,
(Kumbakonam) Limited,
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Kumbakonam Region, Kumbakonam.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai
Chennai.

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-14359[F] dated
18/08/2020)

W.P. (MD)No.9231 of 2020

18.08.2020

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