



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.12708 of 2020
(Through Video Conferencing)

A.James

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Limited,
Madurai Region, Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
Limited,
Madurai Region, Bye Pass Road,
Madurai.

... 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 salary as per 2016 wage settlement dated 01.04.2018 and to pay the difference in commutation value gratuity and surrender leave by considering the petitioner's representation dated 07.08.2020.

For Petitioner :Mr.K.Viralinathan

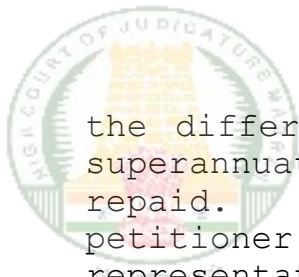
For Respondents :Mr.J.Senthil Kumaraiah,
standing counsel

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's salary as per 2016 wage settlement dated 01.04.2018 and to pay the difference in commutation value gratuity and surrender leave by considering the petitioner's representation dated 07.08.2020.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The petitioner was working as a Conductor for several years at the respondent Transport Corporation and on superannuation retired from service on 31.05.2017. Thereafter, on 01.04.2018, some wage settlement reached between the employer and employees, which was taken place subsequent to the retirement of the petitioner under Section 12(3) of the ID Act. According to the settlement, from 01.09.2016, the pay revision was accepted and effected, therefore,



the difference of pay for the petitioner from 01.09.2016 till his superannuation ie., on 31.05.2017 should have been calculated and repaid. However, the same has not been done and hence, the petitioner has given a representation on 07.08.2020. Since the said representation has not been considered, the petitioner is before this Court.

4. Reiterating the said facts, the learned counsel for the petitioner would submit that, if a direction is given to the respondents to consider the representation of the petitioner within a time frame on merits, the petitioner would be satisfied.

5. Heard the learned standing counsel for the respondents, who would submit that, the said request of the petitioner dated 07.08.2020 would be considered on merits and in accordance with law within a time frame and orders to that effect would be passed.

6. I have considered the said submissions made by the learned counsel for both sides.

7. Since number of cases of this nature have already been decided by this Court, where, directions have been given and in view of the innocuous prayer sought for by the petitioner, this Court is inclined to dispose of this writ petition with the following direction:

"That the respondents are hereby directed to consider the representation of the petitioner dated 07.08.2020 and pass orders on merits and in accordance with law with regard to the grievance of the petitioner to revise his pay pursuant to the 12(3) settlement dated 01.04.2018 with effect from 01.09.2016 till his superannuation and accordingly pay the difference of pay within a time frame. The needful as indicated above shall be undertaken by the respondents within a period of three months from the date of receipt of a copy of this order."

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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,
Tamil Nadu State Transport Corporation
Limited,
Madurai Region, Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
Limited,
Madurai Region, Bye Pass Road,
Madurai.

W.P. (MD) No.12708 of 2020
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