



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.166 of 2019

T.Palanivelu

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Bye pass Road, Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Bye Pass Road, Dindigul.
- 3.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, 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 herein to revise the petitioner's pay as per the Settlement U/s.12 (3) of Industrial Dispute Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and further directing the Respondents to pay difference amount in his salary for the period from 01.09.2016 to till his retirement i.e., 31.10.2017 and to pay difference in his Retirement Benefits including monthly pension, Wage Arrears, Gratuity, Leave Salary and all other attendant benefits payable to the petitioner together with interest at the rate of 18% by considering his Representation dated 19.12.2018 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

This petition is filed for a direction to the respondents to revise the petitioner's pay as per the Settlement entered under Section 12(3) of Industrial Disputes Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and further directing the respondents to pay difference amount in his salary for the period from 01.09.2016 till his retirement i.e., 31.10.2017 and to pay difference in his retirement benefits including monthly pension, Wage Arrears, Gratuity, Leave Salary and all other attendant benefits payable to the petitioner together with interest at the



rate of 18% by considering his representation dated 19.12.2018.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

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3. According to the petitioner, he joined in the service of the respondents' Corporation as Tradesman on 24.04.1990 and retired from service on 30.10.2017. According to him, the salary of the employees' of the Corporation is based on the settlement entered under Section 12(3) of the Industrial Disputes Act entered between the Corporation and Trade Union of employees. The settlement will be entered into once in three years. The settlement ought to have been entered in the year 2016, but due to inordinate delay, the settlement was entered only on 04.01.2018 with effect from 01.09.2016. The petitioner retired from service on 30.10.2017. The petitioner is entitled to revise the salary from 01.09.2016 till 30.10.2017 and consequently, difference in various allowances, gratuity, pension, leave salary etc. However, the respondents did not revise the salary of the petitioner based on the Settlement, dated 04.01.2018. Hence, the petitioner has sent a representation, dated 19.12.2018 and has come out with the present writ petition.

4. Though various averments have been made in the writ petition, the learned counsel appearing for the petitioner after elaborate arguments, submitted that if a direction is issued to the respondents to consider the representation of the petitioner, dated 19.12.2018, it would suffice.

5. Considering the nature of relief sought for by the petitioner and the submission of the learned counsel for the petitioner, without considering the claim of the petitioner on merits as prayed for in the writ petition, the respondents are directed to consider the representation of the petitioner, dated 19.12.2018 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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



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.

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+1 CC to M/s.J.LAWRANCE, Advocate (SR-19629[F] dated 18/06/2021)

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KB (30.06.2021) 3P 2C