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W.P.No.6890 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6890 of 2020

P.Chinnaiah

..Petitioner
Vs.

1. The Management of
Metropolitan Transport Corporation Ltd.,
Rep. by its Managing Director,
Chennai.

2. The Administrator,
Tamil nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the 1st respondent to pay the difference/arrears of wages to the petitioner for the period from 01.09.2016 to 30.11.2016, based on the revised/re-fixed scale of pay as per settlement dated 04.01.2018 and as mentioned in his service register by the 1st respondent and also the difference in his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing



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the respondents to revise his pension with effect from December 2017 and pension commutation, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him arrears of pension for the period from December 2017 and pension commutation together with 18% interest per annum within a time frame.

For Petitioner : Mr.V.Ajoykhose
For Respondents : Mr.R.Balaji
Standing Counsel [R1]
: Mr.C.S.K.Sathish
Standing Counsel [R2]

ORDER

The prayer sought for herein is for a writ of mandamus to direct the first respondent to pay the difference/arrears of wages to the petitioner for the period from 01.09.2016 to 30.11.2016, based on the revised/re-fixed scale of pay as per settlement dated 04.01.2018 and as mentioned in his service register by the 1st respondent and also the difference in his terminal benefits, namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from December 2017 and pension commutation, based on such re-fixed scale of pay payable to him on the month of his retirement and to pay him



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arrears of pension for the period from December 2017 and pension commutation together with 18% interest per annum within a time frame.

2. The petitioner was working as Junior Tradesman at the first respondent Corporation from 01.06.1981 and after having rendered 35 years of service, he retired from service on 31.11.2016.

3. After the retirement of the petitioner, there was a wage settlement between the Management of the first respondent and the trade union. According to the said wage settlement, there was a wage revision with effect from 01.09.2016 and the employees would be entitled for the monetary benefits only from 01.09.2017.

4. However, in the meanwhile, the petitioner retired from service on 31.11.2016. The pay benefits i.e, revised pay benefits with effect from 01.09.2016, having not been calculated and paid to the petitioner, his revised pensionary benefits also has been deprived. Therefore, in order to get such revised pensionary benefits on the basis of the wage settlement with effect from 01.09.2017, the petitioner has made a representation on



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15.10.2019 to the respondents and since the said representation was not considered, he has approached this Court by filing the present writ petition.

5. Heard Mr.V.Ajoykhose, learned counsel appearing for the petitioner, who would submit that, even though the petitioner retired on 31.11.2016, since the wage revision was given effect from 01.09.2016, he is entitled to get such wage revision and correspondingly the pensionary benefits, for which, the petitioner is entitled and therefore, in order to calculate such pensionary revision and pay arrears from the date of entitlement of the petitioner, the petitioner though made a representation on 15.10.2019, since the same was not considered, he has filed this writ petition. Hence, the learned counsel appearing for the petitioner seeks indulgence of this Court by way of mandamus.

6. Heard Mr.R.Balaji, learned Standing Counsel appearing for the first respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing for the second respondent.

7. The learned counsel appearing for the respondents pointed out



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that though the petitioner retired from service on 31.11.2016, he has raised a ground that, his pay revision from 01.09.2016 has not been paid to him and the petitioner's pay benefit has been deprived with regard to the wage settlement. Therefore, the petitioner wanted to get such pay revision, for which, the petitioner is not entitled to, as the monetary benefits even according to wage settlement is only from 01.09.2017. Therefore, that aspect cannot be considered for the petitioner. However, the revision of pay notionally and corresponding revision of pension only with effect from 01.09.2016 with monetary benefits from 01.09.2017 alone would be considered and to that extent, the representation of the petitioner dated 15.10.2019 would be considered by the first respondent and an order to that effect will be passed within a time frame that may be stipulated by this Court.

8. Having considered the said submission made by both the parties and having regard to the said submission made by the learned counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That the petitioner's representation dated 15.10.2019 shall be



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considered by the first respondent and order shall be passed with regard to the revision of pay notionally with effect from 01.09.2017 as per the wage settlement entered into after the retirement of the petitioner i.e., on 30.11.2016 and correspondingly the revision of pension also shall be made and the arrears of pension as per the revised pension including the corresponding revised arrears of other retiral benefits like gratuity etc., shall be calculated and be paid by the first respondent to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
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To

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