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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.11631, 11634, 11637, 11641, 11649, 11652
11658, 11665, 11667 and 11668 of 2022

J.Sekar	... Petitioner in WP.No.11631 of 2022
K.Panneer	... Petitioner in WP.No.11634 of 2022
M.Senguttuvan	... Petitioner in WP.No.11637 of 2022
K.Thiruneelakandan	... Petitioner in WP.No.11641 of 2022
S.Jayakumar	... Petitioner in WP.No.11649 of 2022
M.Murugesan	... Petitioner in WP.No.11652 of 2022
B.Rathinasamy	... Petitioner in WP.No.11658 of 2022
S.Rajamani	... Petitioner in WP.No.11665 of 2022
T.Rajasekaran	... Petitioner in WP.No.11667 of 2022
G.Indirani	... Petitioner in WP.No.11668 of 2022

Vs.

1. The Management of Tamil Nadu State
Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
Villupuram.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Cuddalore Region,
Cuddalore.

... Respondents in all writ petitions

PRAYER:-

WP No.11631 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the



respondents to pay the petitioner difference in gratuity of Rs. 70,948 /- difference in leave salary of Rs.20,157/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 16,800/- with interest at the rate of 6 percent per annum payable from 01.03.2017 to till the date of actual disbursement to the petitioner within the time limit that may be fixed by this Hon'ble court.

WP No.11634 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs. 63,381 /- difference in leave salary of Rs.41,651/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.05.2017 to till the date of actually disbursement to him within the time limit that may be fixed by this Hon'ble court.

WP No.11637 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioner difference in gratuity of Rs. 1,38,462/- difference in leave salary of Rs.24,983/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 17,300/- with interest at the rate of 6 percent per annum payable from 01.06.2017 to till the date of actual disbursement to the petitioner within the time limit that may be fixed by this Hon'ble court.

WP No.11641 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioner difference in gratuity of Rs. 93,777 /- difference in leave salary of Rs.55,056/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 17,300/- with interest at the rate of 6 percent per annum payable from 01.02.2017 to till the date of actual disbursement to the petitioner within the time limit that may be fixed by this Hon'ble court

WP No.11649 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs.48,134 /- difference in leave salary of Rs.135/- as per the wage revision Settlement under Section 12(3) of the I.D. Act



dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.06.2017 to till the date of actual disbursement to him within the time limit that may be fixed by this Hon'ble court.

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WP No.11652 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs.1,53,882 /- difference in leave salary of Rs.21,289/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.05.2017 to till the date of actual disbursement to him within the time limit that may be fixed by this Hon'ble court.

WP No.11658 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs. 38,587 /- difference in leave salary of Rs.24,732/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 16,600/- with interest at the rate of 6 percent per annum payable from 01.07.2017 to till the date of actual disbursement to him within the time limit that may be fixed by this Hon'ble court.

WP No.11665 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs. 50,477 /- difference in leave salary of Rs.42,592/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 17,600/- with interest at the rate of 6 percent per annum payable from 01.07.2017 to till the date of actual disbursement to him within the time limit that may be fixed by this Hon'ble court.

WP No.11667 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs.43,260 /- difference in leave salary of Rs.15,985/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 with interest at the rate of 6 percent per annum payable from 01.11.2017 to till the date of actual disbursement to him within the time limit that may be fixed by this Hon'ble court.



WP No.11668 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs.53,074 /- difference in leave salary of Rs.73,976/- as per the wage revision Settlement under Section 12(3) of the I.D. Act dated 04.01.2018 and Post retirement benefit scheme amount of Rs. 16,350/- with interest at the rate of 6 percent per annum payable from 01.02.2017 to till the date of actual disbursement to her within the time limit that may be fixed by this Hon'ble court.

For Petitioner : Mr.A.Rahul (in all WP's)

For Respondents : Mr.G.Saravanakumar
Standing Counsel
(in all WP's)

COMMON ORDER

By consent of counsels to both the parties, all the writ petitions are disposed of today at the admission stage itself.

2. The reliefs sought for in the writ petitions are for a Mandamus seeking direction to the respondent to pay the petitioner difference amount of Gratuity and Leave Salary, as per the Wage Revision Settlement dated 04.01.2018 and also to pay Post retirement benefit Scheme amount with interest at 6% , within a time frame, as fixed by this court.

3. The facts and circumstances and the issues involved in all the writ petitions are one and the same. Hence, this court passes the common order.

4. The case of the petitioners in brief.

The petitioners were working as Driver/Conductor/Clerk in the respondent Corporation and they had retired from service during the year 2017. A settlement under Section 12(3) of the Industrial Dispute Act was entered into between the first respondent Management and the Trade Unions on 04.01.2018 and Claus 1(a) of the Settlement described as to how the pay to be re-fixed for the employees, who are on rolls as on 01.09.2016. As per the above settlement, the petitioners, who are the permanent employees, are entitled for revision of pay as on 31.08.2016, and for the same, they are entitled to get the



difference of Gratuity and Leave Salary. However, the respondent Corporation has not implemented the above settlement in the petitioners' case. Hence, they made their individual representations on various dates to the respondents to pay the difference amount of Gratuity and Leave Salary and to pay Post retirement benefit Scheme amount. But, the respondents have not taken any action. Further, the petitioners have also made their individual application on various dates, under RTI Act and replying to the same, the respondents have sent replies to the petitioners, informing that they are entitled for wage revision and the Post retirement benefit scheme amount. The details of the difference amount payable to the petitioners have also been furnished in the above said reply. However, the respondents have not come forward to settle the agreed amount under RTI Act. Hence the writ petition.

5. The learned counsel appearing for the petitioners submitted that in a similar matter, this court has passed an order in W.P.(MD)No.12824 of 2021 dated 28.07.2021 and hence prayed to pass orders on the same line.

6. The learned Standing Counsel appearing for the respondents submitted that the representations of the petitioners would be considered, and appropriate orders would be passed by taking note of the orders passed by this court in W.P.No.12824 of 2021 dated 28.07.2021, within a period four weeks from the date of receipt of a copy of this order.

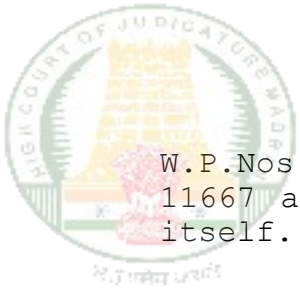
7. In view of the above submissions and also with the consent of both parties, this court is inclined to pass the following order.

i) The second respondent is directed to consider the individual representations of the petitioners and to pass orders individually, by taking note of the orders passed by this court in W.P.(MD) No.12824 of 2021 dated 28.07.2021 and in accordance with law, as early as possible, within a period of four weeks from the date of receipt of a copy of this order.

ii) It is open to the petitioners to give all the particulars along with the copy of this order to the respondent Corporation, within one week from the date of receipt of a copy of this order.

iii) It is made clear that, if the respondents decided that the petitioners are entitled to get the claim made, they shall settle the arrears amount to the petitioners in four equal monthly installments, from the date of passing of that order.

8. With the above directions, all the writ petitions in



W.P.Nos.11631, 11634, 11637, 11641, 11649, 11652, 11658, 11665, 11667 and 11668 of 2022 are disposed of at the admission stage itself. No costs.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,,
The Management of Tamil Nadu State
Transport Corporation (Villupuram),
Villupuram.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Villupuram) Limited, Cuddalore Region,
Cuddalore.

+10ccs to Mr.S.Gunaseelan, Advocate, S.R.Nos.32829 to 32838

+1cc to the Government Pleader, S.R.No.33045

W.P.Nos. 11631, 11634, 11637, 11641,
11649, 11652, 11658, 11665,
11667 and 11668 of 2022

AJS (CO)
UMA (16/06/2022)