



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11089 of 2022

S.Sekar

...Petitioner

Vs.

1. The Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road, Salem 636 007.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Salem) Ltd., Salem Region,
No.12, Ramakrishna Road, Salem 636 007.

...Respondents

Prayer: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, difference in leave Salary, 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% per annum payable from 01.03.2017 to till the date of actual disbursement to the petitioner within the time limit, as fixed by this court.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.G.Saravanakumar
Standing Counsel

ORDER

By consent of counsels to both the parties, this writ petition is disposed of today at the admission stage itself.

2.The relief sought for in the writ petition is 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 with interest at 6% , within a time frame, as fixed by this court.



3. The case of the petitioner in brief.

The petitioner was working as a Driver in the respondent Corporation and he retired from service on 28.02.2017. 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 petitioner, who is a permanent employee, is entitled for revision of pay as on 31.08.2016, and for the same, he is entitled to get the difference of Gratuity and Leave Salary. However, the respondent Corporation has not implemented the above settlement in the petitioner's case. Hence, he made a representation dated 04.12.2021 to the respondents to pay the difference amount of Gratuity and Leave Salary. But, the respondents have not taken any action. Hence the writ petition.

4.The learned counsel appearing for the petitioner 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 order on the same line.

5.The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner would be considered, and appropriate orders would be passed by the authorities concerned by taking note of the orders passed by this court in W.P.No.12824 of 2021 dated 28.07.2021, if the petitioner is entitled to get the claim, within a period four weeks from the date of receipt of a copy of this order.

6.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 representation of the petitioner dated 04.12.2021 and to pass orders, 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 petitioner 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 petitioner is entitled to get the claim made, they shall settle the arrears amount to the petitioner in four equal monthly installments, from the date of passing of that order.



7. With the above directions, the writ petition is disposed of at the admission stage itself. No costs.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,,
The Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem 636 007.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Salem) Ltd., Salem Region,
No.12, Ramakrishna Road, Salem 636 007.

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No.32772

+1cc to the Government Pleader, S.R.No.33036

W.P.Nos.11089 of 2022

GJ(CO)
RGA(16/06/2022)