



WEB COPY



W.P.No.10486 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10486 of 2019

K.M.Sivalingam (P.R.No.JO9761)

... Petitioner

-Vs-

1. Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai – 9.

2. Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore – 641043.

3. General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region Office, Chennimalai Road,
Erode – 638001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to pay the petitioner the benefit of 01.09.2016 settlement which was signed on 04.01.2019 under section 12(3) of Industrial Disputes Act, 1947, giving retrospective effect from 01.09.2016 itself as for revision of scale of pay and the consequent arrears of pay until his retirement on 31.01.2017 and also to sanction 3rd review benefit to him which accrued during his



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service itself and to reckon the new last drawn pay for all terminal benefits and award interest for all payments.

For Petitioner : Mr.A.Rajendiran

For Respondents :

For R1 : Mrs.E.Indhumathi, GA

For R2 & R3 : Mr.M.Murali Vinodh

ORDER

The relief sought for in the present writ petition is to direct the respondents to pay the petitioner the benefit of 01.09.2016 settlement which was signed on 04.01.2019, under Section 12(3), of Industrial Disputes Act, 1947, giving retrospective effect from 01.09.2016 itself as for revision of scale of pay and the consequent arrears of pay until his retirement on 31.01.2017, and also to sanction 3rd review benefit to him which accrued during his service itself and to reckon the new last drawn pay for all terminal benefits and award interest for all payments.

2. The petitioner states that he was working as a Selection Grade Driver in the respondent Transport Corporation and retired from service voluntarily on 31.01.2017. The petitioner opted for getting the benefit



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under the voluntary retirement scheme and while so, the petitioner states that the last 12(3) Settlement came into effect on 01.09.2016. The pay bands were revised for all the employees who were on the rolls on 31.08.2016 and he was on the rolls on 31.08.2016 and allowed to go on voluntary retirement with effect from 31.01.2017. Therefore, the petitioner states that his pay is to be revised with reference to the terms and conditions of the settlement.

3. The respondents shall verify the correctness of the contentions as raised by the petitioner and his eligibility and accordingly, initiate appropriate action. In the event of any dispute in respect of the terms and conditions of the settlement or the applicability of the settlement, the petitioner has to approach the Labour Court for adjudication of the issues.

4. The petitioner was a workman and his service conditions were governed under the settlement entered into between the Labour Union and the Management. Thus, the petitioner has to approach the Labour Court for adjudication of the issues.



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5. In view of the facts and circumstances, in the event of not considering the case of the writ petitioner by the respondents, he is at liberty to approach the Court for the purpose of adjudication of the issues.

6. Accordingly, the writ petition stands **disposed of**. There shall be no costs.

28.11.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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