



WEB COPY

W.P.No. 36077 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 36077 of 2016

P. Ganesan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem – 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay all the monetary benefits entitled to the petitioner pursuant to the 12th Wage Settlement dated 13.04.2015 entered between the employees and Management of the first respondent corporation under Section 12 (3) of the Industrial Disputes Act 1947 with interest at 12 % per annum within the time stipulated by this Court.

For Petitioner	: Mr. A. Selvaraju
For Respondents	: Mr. R. Babu
	for R1 and R2



ORDER

The relief sought for in the present writ petition is to direct the respondents to pay all monetary benefits entitled to the petitioner pursuant to the 12th Wage Settlement dated 13.04.2015 entered between the employees and the Management of the first respondent corporation under Section 12 (3) of the Industrial Disputes Act 1947 with interest at 12 % per annum.

2. The petitioner was working as Driver in the Tamil Nadu State Transport Corporation (Salem Limited). Admittedly, the petitioner was allowed to retire from service on 31.05.2014. Now the petitioner seeks the benefit of 12(3) Settlement, which was entered into between the employees union and the Management on 13.04.2015, after the retirement of the writ petitioner.

3. The learned counsel for the petitioner states that the benefits are to be granted with retrospective effect.



4. However, the terms and conditions of 12 (3) settlement cannot be adjudicated in a writ proceedings. If at all the writ petitioner is entitled for any benefit under 12(3) settlement, an adjudication is to be done with reference to the documents and the rights of the employees. Thus, in the absence of any such adjudication regarding the disputed issues between the workmen and employer, High Court cannot issue any direction to grant a relief. Disputed issues cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Thus the petitioner has to adjudicate the disputed issues with reference to the documents, evidences and regarding the terms and conditions agreed in 12 (3) settlement. In this view of the matter, the petitioner is at liberty to approach the Labour Court in the manner known to law. The writ petition stands disposed of. No costs.

01.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



WEB COPY

W.P.No. 36077 of 2



S.M.SUBRAMANIAM, J.

mrn

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem – 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

W.P.No. 36077 of 2016

01.11.2022