



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24565 of 2019

A.Nallathambi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem – 636 007.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
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 the difference in payment of arrears of salary, pension, gratuity, leave surrender and commutation based on the revised basic salary, grade pay and dearness allowance in view settlement dated 13.04.2015 arrived at under Section 12(3) of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.G.Pugazhenth
For R1 : Mr.R.Babu
For R2 : Mr.C.S.K.Sathish

ORDER

The relief sought for in the present writ petition is to direct the respondents to pay the difference in payment of arrears of salary, pension, gratuity, leave surrender and commutation based on the revised basic salary, grade pay and dearness allowance in view of the settlement dated 13.04.2015 under Section 12(3) of the Industrial Disputes Act, 1947 to the petitioner.

2. The petitioner was holding the post of Senior Checking Inspector and retired from service.

3. The grievance of the writ petitioner is that the monetary benefits agreed in the 12(3) Settlement dated 13.04.2015 has not been extended to him. In this regard the petitioner submitted several representations, which was not looked into by the authorities.



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4. The scope of judicial review in pay fixation matters is undoubtedly limited. The correctness or otherwise deserves to be adjudicated with reference to the terms and conditions of the Settlement. The services of the writ petitioner including fixation of salary is governed under the Settlement and therefore, the authorities competent are bound to look into the eligibility of the writ petitioner and accordingly take a decision.

5. Regarding the grievances, the petitioner submitted a calculation memo and the said memo and its correctness are to be ascertained by the competent authorities for the purpose of granting the monetary benefits under the terms and conditions of the 12(3) Settlement.

6. In this context, the respondents are directed to consider the calculation sheet furnished by the writ petitioner and ascertain the correctness with reference to the terms and conditions of the Settlement if any due is payable, the same is to be settled without causing any undue delay. The petitioner is at liberty to submit a fresh representation along with the calculation sheet to the respondents along with the copy of this order passed in the present writ petition within a period of two (2) weeks from the date of



receipt of a copy of this order.

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7. With this liberty, the Writ Petition stands disposed of. No costs.

28.11.2022

Jeni

Index : Yes

Speaking order

To

- 1.The Managing Director,
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S.M.SUBRAMANIAM, J.

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