



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P (MD) No.23094 of 2021

S.Ganesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation, (Madurai) Ltd.,
Madurai Division,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation, (Madurai) Ltd.,
Dindigul Region,
Dindigul District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revise the salary with effect from 06.09.2016 as per the Settlement U/s 12(3) of the Industrial Dispute Act dated 04.01.2018 and further directing the respondents to pay difference amount in his salary for the period from 06.09.2016 till his retirement i.e., 31.12.2016 and to pay difference in his retirement benefits including arrears, Gratuity, Leave Salary and all other attendant benefits payable to him as per the proceedings of the second respondent dated 28.02.2019 together with 18% interest within a time frame as fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthil Kumaraiah



ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondent to revise the salary with effect from 06.09.2016 as per the Settlement U/s 12(3) of the Industrial Dispute Act dated 04.01.2018 and further directing the respondents to pay difference amount in his salary for the period from 06.09.2016 till his retirement i.e., 31.12.2016 and to pay difference in his retirement benefits including arrears, Gratuity, Leave Salary and all other attendant benefits payable to him as per the proceedings of the second respondent dated 28.02.2019 together with 18% interest within a time frame as fixed by this Court.

2. Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner, Mr.J.Senthil Kumaraiah, learned counsel appearing for the respondents.

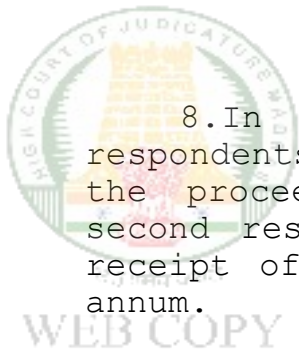
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.4.The learned counsel for the petitioner, by relying upon the proceedings in REF.DGL/CES/E9/2830 dated 28.02.2019 of the second respondent, submits that the petitioner was allowed to retire from service on 31.12.2016 and as such, he is entitled for scale of pay of Rs.4300/- with effect from 06.09.2016. But, the difference amount has not been disbursed by the respondents in view of the financial crunch being faced by the respondent Department, however, it was informed that it would be disbursed to the petitioner very soon. Even after the proceedings dated 28.02.2019, the difference amount has not been paid to the petitioner. Therefore, the petitioner has come forward with the present Writ Petition.

5.Mr.J.Senthil Kumaraiah, learned counsel, who takes notice on behalf of the respondents seeks a short accommodation for getting instructions in the matter.

6.Though, learned counsel for the respondents sought for a short accommodation for filing counter, the learned counsel for the petitioner made his submissions only based on the proceedings dated 28.02.2019 of the second respondent, wherein, the respondent has accepted that the petitioner is entitled for a scale of pay of Rs.4300/- with effect from 06.09.2016 and the difference amount has not been paid by the respondents in view of the financial crisis. Even after 3 years of issuance of the said proceedings dated 28.02.2019, the difference amount has not been paid to the petitioner.

7. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.



8.In view of the above submission, this Court directs the respondents to pay the differential amount to the petitioner as per the proceedings in REF.DGL/CES/E9/2830 dated 28.02.2019 of the second respondent within a period of six weeks from the date of receipt of a copy of this order, together with interest @ 6% per annum.

9.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Managing Director,
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+1 CC to M/s.G.M.XAVIER, Advocate (SR-21[F] dated 03/01/2022)

W.P (MD) No.23094 of 2021

03.01.2022

RD(15.02.2022) 3P 5C