



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P (MD)No.23161 of 2021

M.Marutha Muthu

... Petitioner

versus

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

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

3.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to revise the salary with effect from 16.05.2015 as per the settlement under Section 12(3) of Industrial Dispute Act, dated 04.01.2018 and further directing the respondents to pay difference amount in his salary for the period from 16.05.2016 to till the petitioner's retirement i.e, 30.06.2017 and to pay difference on the petitioner's retirement benefits including arrears, gratuity, leave salary and all other attendant benefits payable to the petitioner, as per the proceeding of the second respondent, dated 28.02.2019 together with 18% interest within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthil Kumaraiah



O R D E R

This Writ Petition has been filed for a Mandamus, to direct the respondents to revise the salary of the petitioner, with effect from 16.05.2015, as per the settlement under Section 12(3) of Industrial Dispute Act, dated 04.01.2018, and also to direct the respondents to pay the difference amount from the date of petitioner's retirement with 18% interest.

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.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 30.06.2017 and as such, he is entitled for scale of pay of Rs.4300/- with effect from 14.05.2015. 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 14.05.2015 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



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

Sd/-

Assistant Registrar (W)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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

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

3.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-19[F] dated 03/01/2022)

W.P(MD)No.23161 of 2021
03.01.2022

RK(18/02/2022) 3P 5C