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W.P.No.2397 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2397 of 2020

M.Ganesan (FC0270)
S/o.K.Muthusamy
Sellathar Thottam
Pudupalayam
Appamma Samuthiram
Attur Taluk, Salem 636 108

... 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
Thiruvallurvar House
Pallavan Salai
Chennai

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents i)to disperse the Labour Welfare Fund and the EL surrender with interest to the Petitioner, ii)to disperse the differential amount of salary based on the revised scale of pay and



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dearness allowance for the post of Senior Checking Inspector, iii)to pay the differential amount of Gratuity, Leave Salary and commutation with interest by computing the last drawn salary as per the revised scale of pay in view of the settlement arrived at under Section 12(3) of Industrial Disputes Act and iv) to disperse the differential amount of pension to the Petitioner as per the revised rate of dearness allowance periodically.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.R.Babu
Standing counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents i)to disperse the Labour Welfare Fund and the EL surrender with interest to the Petitioner, ii)to disperse the differential amount of salary based on the revised scale of pay and dearness allowance for the post of Senior Checking Inspector, iii)to pay the differential amount of Gratuity, Leave Salary and commutation with interest by computing the last drawn salary as per the revised scale of pay in view of the settlement arrived at under Section 12(3) of Industrial Disputes Act and iv) to disperse the differential amount of pension



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to the Petitioner as per the revised rate of dearness allowance periodically.

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2.The entitlement claimed by the Petitioner is indicated as per the table below:

<i>Details of arrears</i>	<i>Amount to be paid (Rs.)</i>	<i>Paid amount (Rs.)</i>	<i>To be paid (Rs.)</i>
Gratuity	4,46,811/-	3,75,774/-	71,037/-
Salary	21,229/-	-	21,229/-
Pension	14,88,794/-	12,44,483/-	2,44,311/-
Leave Salary	66,563/-	55,823/-	10,740/-
Commutation	2,77,047/-	2,42,592/-	34,455/-
E.L.Surrender	7,734/-		7,734/-
	Total		3,89,506/-

3.Heard Mr.G.Pugazhenth, learned counsel for the Petitioner and Mr.R.Babu, learned Standing counsel for the Respondents.

4.Mr.G.Pugazhenth, learned counsel for the Petitioner submitted that the Petitioner was working as a Conductor in the first Respondent/Transport Corporation. As per the settlement under Section 12(3) of the Industrial Disputes Act, 1947, the employees are entitled to wage revision, for which the Petitioner also eligible to get. The Petitioner retired from service on 31.03.2011. However, the Respondents did not settle his arrears of salary,



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gratuity, pension, commutation or leave encashment, so far. Hence the

Petitioner has come out with this Writ Petition.

5.Mr.R.Babu, learned Standing counsel for the Respondents submitted that as per the wage settlement arrived on 04.01.2018, the Petitioner is not entitled to any enhancement of pay and hence he cannot claim any arrears as to the difference in new or old pay as stated by the Petitioner. The entire terminal benefits with interest which has to be settled to the Petitioner is detailed as under:

<i>S.No.</i>	<i>Terminal Benefits details</i>	<i>Amount (Rs.)</i>	<i>Cheque No/EC</i>	<i>Date of payment</i>
1	Gratuity	375774	ECS	30.12.2013
2	Gratuity interest	58254	ECS	16.08.2018
3	Provident fund	178838	ECS	31.03.2011
4	Commutation	242592	ECS	20.06.2012
5	Commutation interest	15393	ECS	16.08.2018
6	Leave liability	4000 35000 <u>16823</u> <u>55823</u>	ECS	16.10.2017 31.10.2017 12.01.2018
7	Leaver liability interest	21934	ECS	18.09.2018
8	Social Welfare Fund - SWF	69540	ECS	30.03.2011
9	IRTT	4360	ECS	21.07.2011
10	Leave surrender	7734	To be paid	

6.Mr.R.Babu, learned Standing counsel for the Respondents submitted



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that in the above table, except S.No.10 (leave surrender), all the other heads have already been paid to the Petitioner and it is undertaken to pay the encashment of leave (S.No.10) also to the Petitioner, shortly.

7.If the Petitioner is not satisfied with the payment already made to him and the payments due as submitted by the Respondents, he is at liberty to raise an Industrial Dispute case in the manner known to law.

8.The first Respondent is directed to pay the admitted leave encashment salary to the Petitioner within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition is disposed of. No costs.

23.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To

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