



W.P. No. 2839 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2839 of 2020

S. Selvaraju

... 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, 1950, praying to issue a Writ of Mandamus, directing (i) to pay the Labour Welfare Fund and E.L. Surrender payable to the Petitioner with interest till the realisation of the amount; (ii) to pay the difference in payment of salary based on the revised scale of pay as per the settlement arrived at under Section 12(3) of the Industrial Disputes Act with interest; (iii) to pay the difference in payment of Gratuity, Leave Salary and Commutation by computing the last drawn salary taking into account of the revised scale of pay as per the settlement arrived at under Section 12(3) of the Industrial Disputes Act with



W.P. No. 2839 of 2020

interest; (iv) to pay the difference in payment of Pension by computing last drawn salary taking into account of revised scale of pay and revised dearness allowances; (v) to pay the accrued benefit of Employees Retirement Benefit Scheme.

For Petitioner : Mr. M.Saravanan

For Respondents : Mr. R.Babu (for R1)

Mr. C.S.K.Sathish (for R2)

ORDER

Heard Mr. M.Saravanan, Learned Counsel for the Petitioner, Mr. R.Babu, Learned Counsel for the First Respondent, and Mr. C.S.K.Sathish, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition has been filed for directing the Respondents to pay the Labour Welfare Fund, surrender leave salary (earned leave), differential salary, pension, gratuity, leave salary and commutation based on the revised scale of pay as per the settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947, along with interest and the accrued benefit of Employees Retirement Benefit Scheme, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied, if the representation dated



W.P. No. 2839 of 2020

04.01.2020 made by him in that regard is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 04.01.2020 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain his position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;



W.P. No. 2839 of 2020

(v) if the Petitioner is found entitled to any monetary benefits, the same shall

be paid along with working-sheet showing its calculation within a period

of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar
(Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

07.03.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 01.06.2023.

To

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.



W.P. No. 2839 of 2020

Copy to

The Registrar (Judicial)
Madras High Court,
Chennai.



WEB COPY



W.P. No. 2839 of 2020

P.D. AUDIKESAVALU, J.

skr

W.P. No. 2839 of 2020

07.03.2023