



W.P(MD)No.25556 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25556 of 2023

S.Haja Shareff

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Represented by its Managing Director,
Virudhunagar.

... Respondent

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/re-fix the scale of pay of the petitioner w.e.f. 01.09.2019 to till his retirement, based on the wage settlement dated 24.08.2022 and consequently to pay him difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam



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For Respondent : Mr.Ramachandra Pradeep
Standing Counsel

ORDER

The present writ petition has been filed by a retired Driver seeking a Mandamus to direct the respondent to revise the pay scale on the basis of 12 (3) settlement arrived at between the trade union and the management on 24.08.2022.

2. The petitioner had attained superannuation on 31.05.2022. Thereafter, the settlement was reached between the trade union and the management under Section 12 (3) of the Industrial Dispute Act on 24.08.2022 wherein the benefits would be effective with effect from 01.09.2019. Therefore, the petitioner is entitled to the benefits under the said 12 (3) settlement.

3. In view of the above said facts, the respondent herein is directed to consider the representation of the writ petitioner, dated 19.07.2023 and pass positive orders in favour of the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. With the above said observations, this Writ Petition stands disposed of. No costs.

20.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

The Managing Director,
The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.25556 of 2023

Dated:
20.10.2023