



W.P.(MD).No.26777 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26777 of 2023

R.Gunasekaran

... Petitioner

Vs.

The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region,
Represented by its Managing Director,
Pudukottai.

... 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/refix 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 29.02.2020 and also 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.



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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Jagadees Balan
Standing Counsel

ORDER

The present Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondent to revise/re-fix the scale of pay of the petitioner w.e.f. 01.09.2019 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 29.02.2020 and also 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.

2. The writ petitioner had attained superannuation as a “Special Grade Driver” from the Tamil Nadu State Transport Corporation, Pudukottai Region. After superannuation, the Trade Unions and the Management entered into a wage settlement on 24.08.2022, wherein, the wages were revised from



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01.09.2019. The petitioner has made several representations to the Management to re-fix the wages and pay the terminal benefits on the basis of the revision of pay scale which was arrived at between the parties on 24.08.2022. Since there was no response, the present writ petition has been filed.

3. In a batch of writ petitions, this Court by an order dated 21.12.2022 had directed the Management to implement the revised pay scale as per the settlement under Section 12 (3) of the Industrial Disputes Act, 1947, to the petitioners with interest. Such exercise shall be completed within a period of twelve weeks from the date of receipt of the copy of the order. In another batch of writ petitions in W.P(MD) No.25039 of 2022., etc dated 30.06.2023, the learned single Judge of this Court has passed similar order.

4. In view of the above said orders, the respondent is directed to positively consider the request of the writ petitioner for re-fixation of pay and payment of terminal benefits on the basis of 12(3) settlement arrived at between the parties. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Writ Petition is allowed to the extent as stated above. There shall be no order as to costs.

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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 (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.



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R.VIJAYAKUMAR,J.

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