



W.P.(MD).No.28062 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28062 of 2023

P.Esakkiyappan

... Petitioner

Vs.

The Management of Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Represented by its General Manager,
Tirunelveli.

...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 fro the period from 01.09.2019 to 31.08.2020 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.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Non ITI Helper who has voluntarily retired on 31.08.2020. After his retirement, the trade union and the management have entered into a settlement under Section 12(3) of the Industrial Dispute Act on 24.08.2022 with effect from 01.09.2019.

2. In view of the above said facts, the petitioner has sent a representation on 20.10.2023 to confer the benefits upon him which had accrued before the date of his retirement. Since the same is not considered, the present writ petition came to be filed.

3. In view of the above said facts, the respondent is directed to confer the eligible benefits to the writ petitioner based upon the 12(3) settlement, dated 24.08.2022 within a period of twelve (12) weeks from the date of receipt of copy of this order.



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4. 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 General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.



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R.VIJAYAKUMAR,J.

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