



W.P.No.2384 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.2384 of 2020

M.Devadoss

...

Petitioner

Vs.

1. The Managing Director,
Tamilnadu 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 - 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondent management,

- i. to pay the Earned Leave Surrender for the year 2009 and 2010
- ii. to pay the difference in payment of salary from March 2014 to July 2015 based on the revised scale of pay for the post of Senior Checking Inspector;
- iii. to pay the difference in payment of Gratuity, Leave Salary and



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commutation by computing the last drawn salary as Rs.41,676/- based on the revised scale of pay and,

- iv. to pay the difference in payment of pension from the month of August 2015 to November 2019 based on the revised dearness allowances periodically.

For Petitioner : Mr.G.Pugazhenth
For Respondents : Mr.R.Babu
Standing Counsel

ORDER

The petitioner joined the service as conductor in the respondent Corporation on 01.09.1982 and subsequently promoted to various levels and retired from service as Senior Checking Inspector on 31.07.2015 on attaining the age of superannuation. The petitioner's scale of pay was revised in the post of Senior Checking Inspector with Rs.14,730/- basic along with Rs.4,300/- Grade Pay, in accordance with the Wage Settlement arrived under Section 12 (3) of the Industrial Disputes Act, 1947. However, the petitioner's basic pay was fixed at Rs.14,680/- along with Grade Pay of Rs.2,600/- without any further increase. Hence, the petitioner has claimed to disburse the difference in the Salary, Gratuity, Pension and Commutation along with interest.

2. Mr.G.Pugazhenth, learned counsel for the petitioner submitted that the Fifth Review Award was passed on 01.11.2012 and in view of that,



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the scale of pay of the Senior Checking Inspector was revised as Rs.9300-34800 and Rs.4300/- Grade pay. Since the increment was not effected, the petitioner got less salary and less retirement benefits and that he is entitled to get arrears along with attendant benefits. Hence the petitioner filed the present Writ petition.

3. Mr.R.Babu, learned Standing Counsel appearing for the 1st Respondent submitted that in pursuant to the Wage Settlement arrived on 13.04.2015, the Government had issued G.O.(Ms).No.61, Transport (C1) Department, dated 30.04.2015 and in view of the same, the employees of the State Transport Corporation has been given with a Pay raise. The petitioner has been given with all benefits as per Wage Settlement dated 13.04.2015 and hence he is not entitled for enhancement of any pay.

4. On perusal of records, it is seen that the arrears claimed by the petitioner is as detailed under:

S. No.	Details	Revised	Paid	Balance Amount
1	Gratuity	793447	700730	92717
2	Salary	203811		203811



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S. No.	Details	Revised	Paid	Balance Amount
3	Pension	1026872	839384	187488
4	Leave Salary	23802	21057	2745
5	Commutation	318634	289302	29332
6	E.L. Surrender Amount	15755		15755
	Total			346776

5. The respondent Corporation granted Terminal benefits to the petitioner as detailed below:

S. No.	Terminal benefit details	Amount Rs.	Cheque No. / ECS	Date of Payment
1	Gratuity	700730	ECS	23.05.2017
2	Gratuity Interest	52555	ECS	27.06.2018
3	Provident Fund	289237	(3 Instalments) ECS	04.12.2017
4	Provident Fund Interest	23139	ECS	27.06.2018
5	Commutation	289302	(3 Instalments) ECS	16.10.2017
6	Commutation Interest	37855	ECS	27.06.2018
7	Leave Liability	21057	(2 Instalments) ECS	16.10.2017
8	Leave Liability Interest	2530	ECS	18.09.2018
9	Leave surrender	7383 <u>8372</u> <u>15757</u>	To be paid	



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S. No.	Terminal benefit details	Amount Rs.	Cheque No. / ECS	Date of Payment
10	Social Welfare Fund-SWF	70802	789093	01.11.2016
11	Institute of Road transport and Technology Refund	4360	ECS	28.02.2023

6. According to the above details, it is clear that leave surrender alone has to be paid to the petitioner and there is no arrears of pay or enhancement in other heads as claimed by the petitioner.

7. Though the petitioner has given representation to the respondents by claiming arrears, the respondents have not passed any orders so far. Unless any orders passed on the representation of the petitioner, it may not be possible for the petitioner to get any clarification in accordance with the Settlement arrived from time to time.

8. Hence, the respondents are directed to consider the representation of the petitioner, dated 09.12.2019 and pass appropriate orders on merits and in accordance with law and also settle the dues in respect of leave surrender, within a period of four weeks from the date of receipt of a copy



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of this order.

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

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Speaking order / Non-speaking order
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- 1 The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai- 600 009.
- 2 The Commissioner of Education,
D.P.I.Complex, College Road,
Chennai- 600 006.
- 3 The Director of School Education,
D.P.I. Complex, College Road,
Chennai- 600 006.
- 4 The Chief Educational Officer,
Perambalur.
- 5 The Principal Accountant General of Tamil Nadu,
No.361, Anna Salai,
Teynampet, Chennai- 600 018.
- 6 The Secretary and Correspondent,
Nehru Higher Secondary School,
Eraiur, Perambalur District.

R.N.MANJULA ,J.

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