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W.P.No.2587 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.2587 of 2020

V.Natesan

... 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 Respondents,

- i. to pay the Labour Welfare Fund, E.L. Surrender and RTT Refund with interest;
- ii. to pay the differential arrears of Salary based on the revised scale of pay and review benefit applicable to the post of Senior Checking Inspector;



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- iii. to pay the differential arrears of Gratuity, Leave Salary, Commutation by computing last drawn salary based on the revised scale of pay and review benefit applicable to the post of Senior Checking Inspector;
- iv. to pay the differential arrears of Pension based on the revised dearness allowance and,
- v. to pay the interest for the delayed payment of retirement benefits.

For Petitioner : Mr.G.Pugazhenthir
For Respondents : Mr.R.Babu
(For R1) Standing Counsel (TNSTC)

ORDER

The petitioner joined the service as conductor in the respondent Corporation on 01.05.1980 and subsequently promoted to various levels and retired from service as Traffic Manager on 30.09.2015 on attaining the age of superannuation. The grievance of the petitioner is that he was not awarded with 5th Review increment with effect from 01.11.2012. The petitioner's scale of pay was revised in the post of Traffic Manager at Rs.17,690/- basic Pay and Rs.4,500/- Grade Pay as per the Wage Settlement arrived under Section 12(3) of the Industrial Disputes Act. However, the petitioner was paid only a sum of Rs.17,040/- towards basic pay and



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Rs.4,400/- Grade Pay without increase in basic pay and 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.

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, the petitioner is entitled to 3% increment with effect from 01.11.2012. Since the increment was not effected, the petitioner got less salary at the time of retirement 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 the benefit of Pay raise. Accordingly, the petitioner has been given with all benefits as per Wage Settlement dated 13.04.2015 and that he is not entitled for



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enhancement of any pay.

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

S. No.	Details	Revised	Paid	Balance Amount
1	Salary Arrears from 09/2010 to 09/2015	119433		119433
2	Pension Commutation Arrears	371471	367152	4319
3	Gratuity Arrears	981265	943203	38062
4	Leave Salary Arrears	359146	345598	13548
5	Pension Arrears from 10/2015 to 09/2019	1103775	981984	121791
6	E.L. Surrender Amount	20636		20636
7	I.R.T.T.Refund Amount	4360		4360
	Total	2960086	2637937	322149

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	9,43,203/-	ECS	15.06.2017
2	Gratuity Interest	89,604/-	ECS	27.06.2018
3	Provident Fund	1,63,000/- 1,29,000/-	ECS ECS	04.12.2017 03.01.2018



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S. No.	Terminal benefit details	Amount Rs.	Cheque No. / ECS	Date of Payment
		<u>1,47,159/-</u> <u>4,39,159</u>	ECS	12.01.2018
4	Provident Fund Interest	89,604/-	ECS	27.06.2018
5	Commutation	51,700/- 60,400/- <u>2,55,052/-</u> <u>3,67,152/-</u>	ECS ECS ECS	04.12.2017 02.01.2018 11.01.2018
6	Leave Liability	4,000/- 35,000/- <u>3,06,598/-</u> <u>3,45,598/-</u>	ECS ECS ECS	16.10.2017 31.10.2017 12.01.2018
7	Leave Liability Interest	44,756/-	ECS	18.09.2018
8	Social Welfare Fund - SWF	70,569/-	736038	13.04.2018
9	IRTT	4,360/-	ECS	28.02.2023
10	Salary Arrears	78,762/-	189384	12.10.2017
11	Leave surrender	20,636/-	To be paid	
12	12(3) Settlement Arrears	24,252/-	To be paid	

6. In view of the above, it is clear that leave surrender and 12 (3) settlement alone have to be paid to the petitioner and there is no arrears of pay or any enhancement as claimed by the petitioner.

7. However, it appears that the petitioner has given representation to the respondents by raising his claim of arrears amount. However, the respondents have not passed any orders so far. Unless any orders are



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passed on the representation of the petitioner, it may not be possible for the petitioner to get 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 23.11.2019 and pass appropriate orders on merits and in accordance with law and also settle the dues in respect of leave surrender and 12(3) Settlement, within a period of four weeks from the date of receipt of a copy of this order.

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

03.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

To:

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R.N.MANJULA ,J.

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