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W.P.Nos.23271, 23160, 23131 & 23133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.23271, 23160, 23131 & 23133 of 2024
and W.M.P.Nos.25437, 25307, 25261 & 25262 of 2024

Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post,
Villupuram – 605 602.

... Petitioners in all W.P's.

/vs/

1. J.Ravichandran	... Respondent in W.P.No.23271/2024
1. R.Gunasekaran	... Respondent in W.P.No.23160/2024
1. G.Soundrarajan	... Respondent in W.P.No.23131/2024
1. M.Venu	... Respondent in W.P.No.23133/2024

2. Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 2.

... Respondents

Writ Petitions are filed under Article 226 of the Constitution of India
to issue a writ of certiorari to call for the records of order passed by the



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Presiding Officer I Additional Labour court, Chennai in C.P.Nos.73, 69, 67 & 71 of 2022 dated 31.07.2023 and quash the same as illegal.

In all W.P's.:

For Petitioner ... Ms.S.Pavithra

For Respondents ... Mr.V.S.Jagadeesan for R1

COMMON ORDER

These writ petitions have been filed challenging the orders passed by the Presiding Officer I-Additional Labour Court, Chennai in C.P.Nos.73, 69, 67 & 71 of 2022 dated 31.07.2023 wherein the Labour Court has directed the petitioner management and the second respondent to pay certain amount towards arrears of pension, arrears of salary and refund of contribution recovered for retirement benefit fund.

2. Mr.V.S.Jagadeesan, the learned counsel for the first respondent submitted that similar issue has already been dealt by this Court in W.P.No.21305 of 2024 and vide order dated 17.10.2024 this Court has dismissed the writ petition. He further submitted that these writ petitions can be disposed by following the same terms in W.P.No.21305/2024 dated



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17.10.2024.

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3. Ms.S.Pavithra, the learned counsel for the petitioner is also in agreement with the submission of the learned counsel for the first respondent.

4. This Court vide order dated 17.10.2024 made in W.P.No.21305/2024 has passed the following order:

“ 5. But the above order did not deal with the issue as to whether the persons who would come under the folder of 18(1) settlement are entitled to get the salary arrears between the period from 01.09.2016 to 31.12.2017. In fact the Government has given a clarification letter in Government Letter No.1706/c1/2023-1 dated 25.05.2023 wherein it is clarified that as per the 13th Wage Settlement, the persons who were retired between 01.09.2016 to 31.08.2017 are entitled to get its benefit. However it is claimed by the learned counsel for the petitioner that the clarification issued is only in respect of gratuity and leave salary and hence the first respondent is not entitled to get any salary arrears.

6. The definition of “salary” would include all emoluments which the employee is entitled to get along with the salary. When the 13(1) settlement is applicable to the leave salary, it is unfair to claim



that 13(1) settlement will not be applicable to the period during which the first respondent was very much in service and he will not get the salary for the said period. In fact the clarificatory note has to be given by the Government, only because the doubts revolve around the other benefits like fixation of pension, gratuity and leave salary. Since the 13(1) settlement is very much clear about the salary element which is eligible to the employees who have been in service as on 01.09.2016, there did not arise any scope for clarification on this aspect. The first respondent was available in service from 01.09.2016 to 30.04.2017. So it is needless to state that the first respondent is very much entitled to get his salary arrears from 01.01.2016 to 30.04.2017.

7. As there is no dispute with regard to the above claim and 13(1) settlement is very much clear and abstract on this aspect, the Labour Court is not expected to frame any question as to the entitlement of the first respondent to get the salary arrears and it is sufficient for the Labour Court to compute the arrears as per the above settlement. Hence, the argument of the learned counsel for the petitioner that the first respondent is entitled to all other benefits except the salary arrears is fundamentally wrong.

8. The re-fixation of the salary which the persons who continue to be in service at the time when the settlement came into effect is very much applicable to the persons who have been in service as on the date from which the settlement would come into



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effect. Since the first respondent was on service on 01.09.2016 on which date the settlement has come into effect, the Labour Court has rightly computed the arrears of salary. Hence, I do not find any factual or legal infirmity inviting any inference in the impugned order.

9. In the result, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.”

5. Since the relief sought in the present writ petitions are also the same, I feel these writ petitions can also be disposed in the same line and on the terms adopted in the order dated 17.10.2024 in W.P.No.21305/2024.

6. Thus, these writ petitions are dismissed on the same terms followed in the order dated 17.10.2024 in W.P.No.21305/2024. No costs. Connected miscellaneous petitions are closed.

29.10.2024

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

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To:

The Presiding Officer,
I Additional Labour court,
Chennai

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29.10.2024