



W.P.(MD).No.6714 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6714 of 2024

P.Ravi

... Petitioner

Vs

1. The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
(S.E.T.C), Pallavan Salai,
Chennai.

2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to implement the 13th wage settlement (Paarvai C1/036966/2017) signed under section 12(3) of the I.D.Act, dated 4.1.2018, and to re-calculate the retirement benefits of the petitioner such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 1.9.2016 to 31.12.2017 (date of retirement) pension arrears and other



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retirement benefits and to pay the same along with interest at the rate of 6 percent per annum within the time limit stipulated by this Court.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : Mr.K.Senthilkumar (R1)
Mr.H.C.Herold Singh (R2)
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents to implement the 13th wage settlement (Paarvai C1/036966/2017) signed under section 12(3) of the I.D.Act, dated 4.1.2018, and to re-calculate the retirement benefits of the petitioner such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 1.9.2016 to 31.12.2017 (date of retirement) pension arrears and other retirement benefits and to pay the same along with interest at the rate of 6 percent per annum within the time limit stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner was appointed as Conductor in the respondent Corporation with effect from 04.09.1987. He retired on attaining the age of superannuation as Conductor Level V on 31.12.2017. While so, the 13th tripartite wage settlement under Section 12 (3) of the Industrial Dispute Act was entered into between the Management and the Trade Unions and the settlement was signed on 04.01.2018. As per Clause 1 of the terms of settlement, the Management agreed to revise the wages of the employees those who are in service as on 01.09.2016 by revising the pay by 2.44% of the earlier wages. As the petitioner retired from service with effect from 31.12.2017, he is covered under the said 13th wage settlement and accordingly, his wages should also be revised based on the said Clause of settlement, dated 04.01.2018 with effect from 01.09.2016. The respondents paid the petitioner's retirement benefits, namely gratuity, leave salary, provident fund, commuted value of pension, revised pension based on the pre-revised wages. After revising the pay, the respondents 1 and 2 are yet to pay the difference in wages specifically from 01.09.2016 to 31.12.2017, difference in gratuity, leave salary, provident fund, commuted value of pension, revised pension. Hence, the petitioner submitted a representation to the respondents seeking for revision of his wages



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based on 13th wage settlement, dated 04.01.2018. However, there was no response. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. This Court hereby direct the respondents to consider the representation made by the petitioner, dated 26.12.2023 and thereafter, revise the wages of the petitioner with effect from 01.09.2016 based on the 13th wage settlement, dated 04.01.2018 and pay the difference amount in gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 1.9.2016 to 31.12.2017 to which he is entitled to along with interest at the rate of 6% per annum from the date of wage settlement i.e., 04.01.2018 till the date of actual payment. The said exercise shall be completed



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within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

19.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
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(S.E.T.C), Pallavan Salai,
Chennai.
2. The Administrator,
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L.VICTORIA GOWRI, J.

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ORDER IN
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