



WP(MD) No.11751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD) No.11751 of 2024

K.Periyasamy

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

3.The Administrator
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents herein to revise the wages of the petitioner with effect from 01.09.2019



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based on the 14th wage settlement, dated 24.08.2022 and to pay arrears of wages payable from 01.09.2019 to 31.03.2020, difference in Gratuity, difference in Leave Salary and arrears of pension from 01.04.2020 to 28.02.2023 along with the interest at the rate of 12% per annum from the date of wage settlement i.e., 24.08.2022 till the date of actual payment on the basis of the petitioner's representation, dated 27.05.2024.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.K.Jagadees Balan – for R1 & R2
Standing Counsel

Mr.S.C.Herold Singh – for R3
Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus for directing the respondents to revise the wages of the petitioner with effect from 01.09.2019 based on the 14th wage settlement, dated 24.08.2022 and to pay arrears of wages payable from 01.09.2019 to 31.03.2020, difference in Gratuity, difference in Leave Salary and arrears of pension from 01.04.2020 to 28.02.2023 along with the interest at the rate of 12% per annum from the date of wage



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settlement i.e., 24.08.2022 till the date of actual payment on the basis of the petitioner's representation dated 27.05.2024.

2. Heard Mr.K.A.S.Prabhu, learned counsel for the petitioner, Mr.K.Jagadees Balan, learned Standing Counsel for the respondents 1 and 2 and Mr.S.C.Herold Singh learned Standing Counsel for the third respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was appointed as a Conductor in the respondent corporation with effect from 01.11.1997. He retired on attaining the age of superannuation as Special Grade Conductor on 31.03.2020. The respondent corporation settled his retirement benefits with delay. While so, the 14th 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 24.08.2022. As per clause 1 of the terms of settlement, the management



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agreed to revise the wages of the employees those who are in service as on 01.09.2019 by revising the pay by 5% of the earlier wages. As the petitioner retired from service with effect from 31.03.2020, he is covered under the said 14th wage settlement and accordingly, his wages should also be revised based on the said clause of settlement, dated 24.08.2022 with effect from 01.09.2019. The respondents paid the petitioner's retirement benefits, namely gratuity, leave salary and pension based on the pre-revised wages. Though the 3rd respondent has revised the petitioner's pension from March 2023, based on the said wage revision, they have to pay the difference of pension from April 2020 to February 2023. The respondents 1 and 2 are yet to pay the difference in wages specifically from 01.09.2019 to 31.03.2020, difference in gratuity, difference in leave salary. Hence, the petitioner submitted a representation to the respondents seeking for revision of his wages based on 14th wage settlement, dated 24.08.2022. However, there was no response.

5. It is needless to point out that whenever a representation



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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.

6. This Court hereby directs the respondents to consider the representation made by the petitioner, dated 27.05.2024 and thereafter, revise the wages of the petitioner with effect from 01.09.2019 based on the 14th wage settlement, dated 24.08.2022 and pay the arrears of wages, difference in leave salary and arrears of pension to which he is entitled to along with interest at the rate of 6% per annum from the date of wage settlement i.e., 24.08.2022 till the date of actual payment. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. In view of the above, this Writ Petition stands **disposed**

of. No costs.

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

PNM

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.
- 3.The Administrator
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R.N.MANJULA, J.

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