



W.P(MD)No.19681 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.19681 of 2020

A.Lakshmanan

... Petitioner

Vs.

- 1.The Secretary to Government and the
Chairman of the State Transport Undertakings,
Government of Tamil Nadu, Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam-612 001.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Karaikudi Region,
Marudhu Pathi, Managiri Post,
Karaikudi-630 001.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents



W.P(MD)No.19681 of 2020

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent, dated 11.12.2019 bearing TNSTC/KKD/LL/L1/2481 and quash the same and direct the respondents to grant 4th and 5th levels review benefits as per the 12(3) settlement, dated 02.01.2011 entered under the Industrial Disputes Act, 1947 and consequential pay revised pension as per G.O(Ms)No.61, Transport (C) Department, dated 30.04.2015, within the time limit fixed by this Court.

For Petitioner	: Mr.R.Saravanan
For R-1	: Mr.D.Sasikumar Additional Government Pleader
For R-2 & R-3	: Mr.P.Balasubramanian Standing Counsel
For R-4	: Mr.S.C.Herold Singh Standing Counsel

ORDER

This writ petition has been filed by the petitioner aggrieved by the order passed by the third respondent bearing TNSTC/KKD/LL/L1/2481, dated 11.12.2019, whereby the claim of the petitioner for extension of 4th and 5th level review benefits in terms of settlement, dated 22.01.2011 under Section 12



W.P(MD)No.19681 of 2020

(3) of the Industrial Disputes Act, 1947 and sought for a consequential pay revised pension in terms of G.O(Ms)No.61, Transport (C) Department, dated 30.04.2015.

2. From the relief sought in the writ petition, it is noticed that the basis for the petitioner to make a claim for 4th and 5th level review benefits is in terms of the settlement, dated 22.01.2011 said to have been arrived at under Section 12 (3) of the Industrial Disputes Act, 1947. A copy of the said settlement is placed before this Court. Clause 9 of the said settlement specifically says that separate orders would be issued in respect of the Checking Inspectors. The petitioner herein was promoted to the post of Checking Inspector with effect from 21.12.1998 and thereafter, he was further promoted to the post of Traffic Inspector with effect from 23.07.2010. Thus the settlement under Section 12(3) of the Industrial Disputes Act, 1947 relied upon by the petitioner is nothing to do with the reviews as sought for by the petitioner in the cadre of Checking Inspector is concerned.

3. Further, it is also evident that in terms of Clause 9 of the above said settlement, separate orders have been issued in G.O(Ms)No.61 Transport (C)



W.P(MD)No.19681 of 2020

Department, dated 30.04.2015 providing for review. In terms of paragraph No.8 of the said G.O, the Managing Directors of all State Transport Undertakings were directed to revise the scale of pay of Checking Inspectors and Driving Inspectors with effect from 01.09.2010. As the petitioner herein, who was already promoted as Checking Inspector as early as on 21.12.1998 cannot claim the benefit of G.O(Ms)No.61, Transport (C) Department, dated 30.04.2015 as the said G.O was given effect only with effect from 01.09.2010.

4. Furthermore, as contended by the third respondent in the counter affidavit, the petitioner, who has become the Traffic Inspector on 23.07.2010, cannot claim the benefit of the settlement entered into under Section 12 (3) of the Industrial Disputes Act, 1947. This aspect of the matter is not seriously disputed by the learned Counsel for the petitioner.

5. In the light of the above, the claim made by the petitioner basing upon the settlement under Section 12 (3) of the Industrial Disputes Act, 1947 and the G.O(Ms)No.61, Transport (C) Department, dated 30.04.2015 is not sustainable as they have no application to the case of the petitioner herein. In the light of the above, this Court does not find any merits in the writ petition.



W.P(MD)No.19681 of 2020

WEB COPY

6. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Secretary to Government and the
Chairman of the State Transport Undertakings,
Government of Tamil Nadu, Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam-612 001.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Karaikudi Region,
Marudhu Pathi, Managiri Post,
Karaikudi-630 001.

4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.



WEB COPY



W.P(MD)No.19681 of 2020

MUMMINENI SUDHEER KUMAR, J.

BTR

W.P(MD)No.19681 of 2020

28.02.2024