



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

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CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 6640 of 2019

1. A.Chandrasekaran
(FC 0367), S/o. Arunachalam, L-217,
Kuttapalli, Colony Post, Thiruchengode
Taluk, Nammakkal District Namakkal
2. P.Lakshmanan,
(FC0370), S/o. R.Perian Palagan, B-6,
Ezhil Nagar, Ayyamperumalpatty - 2,
Kannakurinchi Post, Salem - 636008
3. M.Raju,
(FC0389), S/o. Muthu Naicker, 12-B,
Bharathiyar Street (East)
Magudanchavadi, Mallasamuthiram
Post, Namakkal District
4. G.Kumaresan
(FC0390), S/o. Ganesa Goundar,
1/ 33, West Street, Nansel Idayar Post,
Paramathivelur Taluk, Nammakkal
District
5. P.Mani (DECEASED)
(FC0415), S/o. Palanimuthu,
M.Perumapalayam, Sheshanchavadi,
Valapadi Taluk, Salem District.



6. S.Gnanavel
(FC0422), S/o. M.Shanmugam, H-9,
TNHB Colony, Sangagiri R.S.Post,
Salem - 637302

7. V.Thangaraj (DECEASED)
(FC0429), S/o. S.Vaiyapuri, 356,
Vinayagapuram, Attur Taluk, Salem
District.

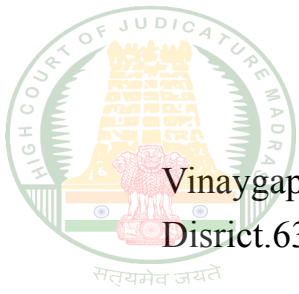
8. R.Natesan,
(FC0291), S/o. Ramasamy Gounder, 1/
2, Thundukadu, Mavilipalayam Post,
Sangagiri Taluk, Salem District

9.Santhoshkumar,
S/o.Late. Mani, Door No.3/4
M.Perumapalayam, Valapadi Taluk,
Salem District.

10.Santhameena,
D/o.Late.Mani, W/o. Prabu, 4/49,
B.Muttal Road, Kallanatham, Salem
District 636 141.(p9 And P10 Are
Substituted As Lrs Of Deceased P5 As
Per Order Dated 08.04.2025 In
Wmp.25016/2024 In Wp.6640/2019 By
Mdij)

11.Chinnaponnu,
W/o.Late.Thangaraj, No.356,
Vinaygapuram, Attur Taluk, Salem
Disrict.636 102.

12.Sakthivel,
S/o.Late.Thangaraj, No.356,



Vinaygapuram, Attur Taluk, Salem
District.636 102.

WEB (13.Nirmalesh,

S/o.Vinothkannan, Represented By His
Guardian Grand Mother Next Friend
Chinnaponnu, W/o.Late.Thangaraj,
No.356, Vinaygapuram, Attur Taluk,
Salem District 636102.(p11 To P13 Are
Substituted As Lrs Of Deceased P7, As
Per Order Dated 08.04.2025 In
Wmp.25022/2024 In Wp.6640/2019 By
Mdij)

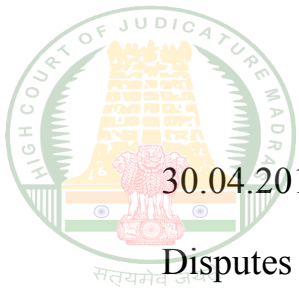
Petitioner(s)

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai, Salem -
636007Salem

Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, Calling for the records pertaining to the order made in C.P.No. 31 of 2016 dated 22.03.2018 passed by the Labour Court, Salem and quash the same in so far as the quantum of the arrears of retirement benefits to the petitioners and consequently directing Respondent Corporation of disperse a sum of Rs. 28,84,090/- towards the arrears of salary and the arrears of Leave Surrender payable to the Petitioners as per the G.O.Ms.No. 61 dated



30.04.2015 issued in view of the 12(3) settlement arrived at under Industrial Disputes Act, 1947 with interest at the rate of 12 percent per annum from the date of retirement till the date of realisation of amount.

For Petitioner(s): M/S.G.PUGAZHENTHI
For Respondent(s): Mr. M. Aswin For R1

ORDER

This writ petition has been filed seeking to quash the order made in C.P.No. 31 of 2016 dated 22.03.2018 passed by the Labour Court, Salem and also seeking to quash the quantum of the arrears of retirement benefits to the petitioners and consequently directing the Respondent Corporation of disperse a sum of Rs. 28,84,090/- towards the arrears of salary and the arrears of Leave Surrender payable to the Petitioners as per the G.O.Ms.No. 61 dated 30.04.2015 issued in view of the 12(3) settlement arrived at under Industrial Disputes Act, 1947 with interest at the rate of 12 percent per annum from the date of retirement till the date of realisation of amount.

2. It is the case of the petitioners that the petitioners have entered into service in the respondent Corporation on various years and subsequently, they retired from service. There was a settlement on 22.01.2011 under Section 12(3) of the ID Act between the respondent Corporation and the employees union before the Deputy Commissioner of Labour, Chennai entered with regard to



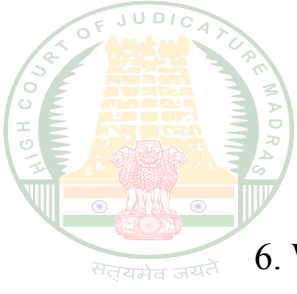
wage revision of the employees of the corporation with effect from 01.09.2010.

In pursuant of the said settlement, the first respondent issued a GO Ms.No.51 dated 14.03.2013 by which higher scale of pay and grade pay was fixed to the checking Inspectors with effect from 01.09.2010. But the benefit of wage revision was not paid to them. Therefore, the petitioners filed a petition seeking for computation of the amount towards arrears of retirement benefits payable to the petitioners and others based on revised scale of pay in view of the settlement arrived at under Section 12(3) of ID Act. The Labour Court was disposed the CP directing the respondent to pay the arrears of retirement benefits to the petitioners, which is very meager. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that without going into the merits of the case, this Court permits the petitioner to raise a dispute before the Labour Court under Section 2(k) of the ID Act.

4. The respondent has not raised any objection in this regard.

5. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court, without going into the merits of the case and without interfering with the impugned order, grants liberty to the petitioners to raise a dispute before the Labour Court in the manner known to law.



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6. With the above direction, the writ petition stands dismissed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited, 12,
Ramakrishna Salai, Salem - 636007
Salem



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M.DHANDAPANI J.

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