



WEB COPY

WP No. 23664 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 23664 of 2019

1. S.Baskaran

(FC0374), S/o.Srinivasan, Opp. To
Saibaba Temple Kadayampatti Post,
Salem 636 351.

Petitioner(s)

Vs

1. The Additional Chief Secretary,
Transport Department, Government of
Tamilnadu, Secretariat, Chennai 600
009.

2.The Managing Director,
Tamil Nadu State Transport,
Corporation (Salem) Ltd., 12,
Ramakrishna Salai, Salem 636 007.

3.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Trust,
Administrative Office, Thiruvalluvar
House, Pallavan Salai, Chennai.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondent management to disburse sum Rs.3,51,362/- towards the arrears of Gratuity, Pension and Commutation to the petitioner as per G.O.Ms.No.61 dated 30/04/2015 issued in view of the 12(3) settlement arrived at under the Industrial disputes Act, 1947.

For Petitioner(s): M/s.G.PUGAZHENTHI,

For Respondent(s): Mr.M.Aswin
For R2 and R3

Mr.T.Chezhian
Additional Govt. Pleader

ORDER

This writ petition has been filed to direct the respondent management to disburse a sum of Rs.3,51,362/- towards the arrears of Gratuity, Pension and Commutation to the petitioner as per G.O.Ms.No.61 dated 30/04/2015 issued in view of the 12(3) settlement arrived at under the Industrial disputes Act, 1947.

2. The petitioner has retired from service on 28.02.2015 on his attaining the age of superannuation. Subsequently he filed a writ petition in W.P.No.19835/2016 for seeking a direction to the management to disburse his retiral benefits in 12 instalments and that was also paid to him.

3. When the petitioner was working as Senior Checking Inspector in the respondent Corporation, a 12(3) Settlement was entered on 22.01.2011 between



the respondent corporation and the employee's Union before the Deputy Commissioner of Chennai, with regard to the revision of wages of the employees of the corporation. In terms of the same, the first respondent issued a Government order in G.O.Ms.No.15, Transport (C1) Department, dated 14.03.2013 by which the Checking Inspector pay has been revised with effect from 01.09.2010 but the benefit of wage revision was not paid to other employees. Again an another Government Order in G.O.Ms.No.61 Transport (C) Department dated 30.04.2015, has been issued by extending the benefit of wage revision to the Senior Checking Inspectors with effect from 01.09.2010.

4. As the respondent management has not been given with the benefit of pay revision to the petitioner while he was working as Senior Checking Inspector, he has filed a commutation petition before the Labour Court, Salem and in which an order has been passed on 22.03.2018 to pay a sum of Rs.19,938/-. Since the Labour Court has computed the amount without taking into consideration of the entire claim, the petitioner has filed a separate writ petition.

5. The petitioner has made a representation on 08.06.2019 requesting the respondents to disburse a sum of Rs.3,51,362/- towards the arrears of gratuity, pension and commutation in terms of G.O.Ms.No.61 Transport (C) Department dated 30.04.2015, but so far no action has been taken. Hence this writ petition has been filed.



6. Mr.T.Chezhian, the learned Additional Government Pleader for the first respondent submitted that as per 12 (3) settlement wage revision was made and arrears have been paid and nothing remains to be settled to the petitioner now.

7. It appears that the petitioner has filed a commutation petition directly without getting any finding in the Industrial Dispute. Unless an award is passed by the Labour Court as to the entitlement of the petitioner, the merits of the commutation petition cannot be appreciated. Even in the relief sought in the writ petition there is no mention about the award passed by the Labour Court. Having raised a commutation petition and got the issue resolved, the petitioner cannot once again reopen the matter without challenging the commutation petition. The writ petition has been filed without any basis.

8. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

23-04-2025

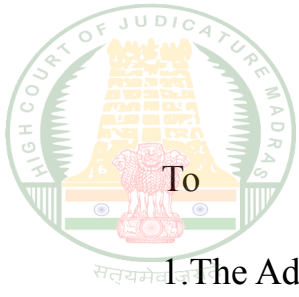
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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