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WP No. 23664 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-04-2025**

CORAM

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

**WP No. 23667 of 2019**

1. R.Manokaran,  
(FC0462), S/o.V.Ramasamy, 1/311, Old  
Santhaipettai Road, karimedu,  
Magundachavadi Post, Salem 636 103.

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 certiorarified mandamus to direct respondent Management to disburse sum Rs.5,83,787/- 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  
M/s. T.Chezhian,  
Additional Govt. Pleader for R1

### **ORDER**

This writ petition has been filed to direct the respondent Management to disburse a sum Rs.5,83,787/- 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.5,83,787/- 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.

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6. Mr.T.Chezhian, the learned Additional Government Pleader, for the respondent submitted that the pay of the petitioner has been revised as per the terms of 12(3) settlement by giving notional effect from 01.09.2010 and the benefit has been given to the petitioner already.

7. As the petitioner is not entitled for any arrears and his pay has been fixed notionally as per the wage settlement and monetary effect will be given only from the date of administrative order, no arrears remains to be paid to the petitioner.

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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**R.N.MANJULA J.**

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