



W.A(md)No.1708 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:05.12.2025

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

AND

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

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1.The Managing Director,
Tamil Nadu State Transport
Corporation Madurai Ltd.,
Bye Pass Road,
Madurai-625 010.

2.The General Manager,
Tamil Nadu State Transport
Corporation Madurai Ltd.,
Bye Pass Road,
Madurai-625 010

... Appellants/Petitioners

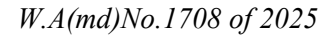
Vs.

A.Natarajan

...Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 21.08.2024 passed by this Court in W.P(MD)No.19901 of 2024.

For Petitioner : Mr.Sathya Chithambaram,
for M/s.Gladson Michael Rajadurai
For Respondent : Mr.S.Govindan



(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

2. The learned counsel appearing for the respondent would submit that even in the year 2011 when the settlement arrived at between the management and the Union under Section 12 of the Industrial Disputes Act, the pay band of the respondent fixed as Rs.9,300/- to Rs.34,800/-. However, this 12(3) settlement was not given effect and he got suppressed by the subsequent 12(3) settlement dated 13.04.2015 and in which, it has been specifically mentioned that Traffic Supervisor with pay band of Rs.9,300/-



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to Rs.34,800/- with grade pay of Rs.4,300/- to be fixed and given effect to with necessary promotions. But this was also not implemented and finally 12(3) settlement dated 09.11.2018 was implemented and it was not given effect to the writ petitioner. Therefore, being aggrieved, the respondents herein approached this Court by filing W.P.(MD)No.19901 of 2024 and the learned single Judge has passed positive direction to pay difference with interest at 6%.

3.We find that, the submission made by the learned counsel appearing for the respondent was not being taken note of by the learned single Judge, however, in the impugned order cryptically allowed the writ petition with a direction to confer eligible benefit to the writ petitioner with 6% interest p.a.

4.The only point taken into consideration by the learned single Judge is that 12(3) settlement was entered on 04.01.2018 and that was prior to his date of retirement. We find from the paper circulated by the learned counsel for the respondent that the earlier settlement dated 22.01.2011 and 13.04.2015 which, even according to her, was not given effect, it was in respect of the persons drawing a pay scale with a pay band of Rs.9,300/- to Rs.34,800/- and all the rank of Traffic Supervisors. According to the respondent, he was promoted as a Checking Inspector on 15.08.2014 and he



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is entitled for monetary benefit conferred under 12(3) settlement dated 04.01.2018 by fixing grade pay of Rs.4,300/-. The material placed clearly indicates that the 12(3) settlement upon which the revised pay benefit is sought in the writ petition is dated 14.08.2014. By that time, the writ petitioner was not in service. However, the learned single Judge has stated that on the date of conferment of the benefit under 12(3) settlement dated 04.01.2018, the writ petitioner was in service. Since there is a factual error in the said observation and the application of the benefit under 12(3) settlement dated 04.1.2018 to the petitioner is only based on the date of his retirement and the date of implementation of the 12(3) settlement dated 04.01.2018, the order passed by the learned single judge in W.P(MD)No.19901 of 2024 dated 21.08.2024 is set aside and the matter is remanded back to the learned single Judge to consider the prayer of the writ petitioner on merits and based on the record and pass speaking orders. No order as to costs.

[G.J., J.] & [K.K.R.K., J.]
05.12.2025

Index :Yes/No
Internet :Yes
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AND
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