



WP(MD) No.9156 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9156 of 2024

C.Chandran

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Rep by its Managing Director,

2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Rep by its General Manager,



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3. The Administrator

Tamil Nadu State Transport Employees Pension Fund Trust,

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 30.06.2022 and also the difference in petitioner's terminal benefits namely, Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement together with 18% interest per annum.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.D.Jebaraj – for R1 & R2

Standing Counsel

: Mr.S.C.Herold Singh – for R3

Standing Counsel



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ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus for directing the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 30.06.2022 and also the difference in petitioner's terminal benefits namely, Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement together with 18% interest per annum.

2. Heard Mr.R.Murugan, learned counsel for the petitioner, Mr.D.Jebaraj, learned Standing Counsel for the respondents 1 and 2 and Mr.S.C.Herold Singh learned Standing Counsel for the third respondent.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was appointed as Tradesman in the respondent corporation with effect from 18.12.1989. He retired on attaining the age of superannuation as Special Grade Tradesman on 30.06.2022. The respondent corporation settled his retirement benefits with delay. While so, the 14th tripartite wage settlement under Section 12 (3) of the Industrial Dispute Act was entered into between the Management and the Trade Unions and the settlement was signed on 24.08.2022. As per clause 1 of the terms of settlement, the management agreed to revise the wages of the employees those who are in service as on 01.09.2019 by revising the pay by 5% of the earlier wages. As the petitioner retired from service with effect from 30.06.2022, he is covered under the said 14th wage settlement and accordingly, his wages should also be revised based on the said clause of settlement, dated 24.08.2022



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with effect from 01.09.2019. The respondents paid the petitioner's retirement benefits, namely gratuity, leave salary and pension based on the pre-revised wages. Though the 4th respondent has revised the petitioner's pension from July 2022, based on the said wage revision, they have to pay the difference of pension from September 2019 to June 2022. The respondents 1 and 2 are yet to pay the difference in wages specifically from 01.09.2019 to 30.06.2022, difference in gratuity, difference in leave salary. Hence, the petitioner submitted a representation to the respondents seeking for revision of his wages based on 14th wage settlement, dated 24.08.2022. However, there was no response.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration



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of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. This Court hereby directs the respondents to consider the representation made by the petitioner, dated 31.03.2024 and thereafter, revise the wages of the petitioner with effect from 01.09.2019 based on the 14th wage settlement, dated 24.08.2022 and pay the arrears of wages, difference in leave salary and arrears of pension to which he is entitled to along with interest at the rate of 6% per annum from the date of wage settlement i.e., 24.08.2022 till the date of actual payment. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. In view of the above, this Writ Petition stands

disposed of. No costs.

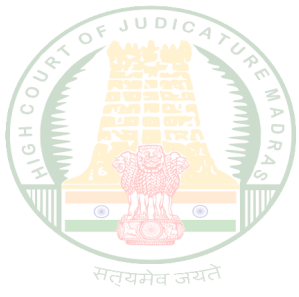
15.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM



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- 1.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Rep by its Managing Director,
Tirunelveli Division,
Kattapomman Nagar,
V.M.Chathiram,
Tirunelveli.
- 2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Rep by its General Manager,
Nagercoil Region,
Ranithottam,
Nagercoil.
- 3.The Administrator
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9156 of 2024

Dated:
15.04.2024