



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

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THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD)No.11718 of 2020

S.Vincent

... Petitioner

-Vs-

1.The Principal Secretary to Government,
Transport (E) Department,
Fort St.George,
Chennai-9.

2.The Management of
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
rep., by its Managing Director,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay Rs.1,27,458/- to the petitioner towards difference in gratuity with interest at the rate of 18% per annum payable from the date of his retirement to till the date on which the difference amount in gratuity is settled to the petitioner.

For Petitioners : Mr.A.Rahul
For Respondents : Mr.G.Arjunan
Government Advocate for R1
Mr.R.Rajamohan
Standing Counsel for R2 & R3

ORDER

Prayer sought for herein is for a Writ of Mandamus to direct the respondents to pay Rs.1,27,458/- to the petitioner towards difference in gratuity with interest at the rate of 18% per annum payable from the date of his retirement to till the date on which the difference amount in gratuity is settled to the petitioner.



2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr. G.Arjunan, learned Government Advocate appearing for the first respondent and Mr.R.Rajamohan, learned Standing Counsel appearing for the respondents 2 and 3.

3. By consent of both the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner was working as a Traffic Inspector at the respondent Transport Corporation and after having served for several years, he retired from service, on superannuation, on 31.10.2017.

5. However, subsequent to the retirement of the petitioner, there was a wage settlement, where there has been a revision of pay that was taken effect from 01.09.2016.

6. The subsequent wage settlement since has been given effect from 01.09.2016, the petitioner, who retired from service on 31.10.2017 also would be entitled to get the revised pay and in order to get the same, the petitioner has given representation to the respondents on 11.03.2020. Since the same has not been considered, the petitioner has approached this Court with the aforesaid prayer.

7. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that, in the light of the wage settlement, which has been given effect from 01.09.2016, the request of the petitioner, dated 11.03.2020 would be considered and accordingly, his entitlement would be decided and final order would be passed thereon, as to whether the petitioner would be entitled to get revised pay or not and once it is decided that he will be entitled to get revised pay, the same would be calculated and also would be paid within a time frame to be stipulated by this Court.

8. Considering the said submissions made by the learned counsel appearing for the parties, this Court is inclined to dispose of this writ petition with the following order:

'that the respondents 2 and 3 are hereby directed to consider the representation of the petitioner, dated 11.03.2020 in view of the wage settlement, which arrived between the employer and employees, which was given effect from 01.09.2016 and accordingly, decide the entitlement of the petitioner with regard to the wage or salary revision from 01.09.2016, for which, the petitioner's entitlement as claimed by him was upto 31.10.2017 as the date, on which, he retired from service on superannuation and accordingly, decide upon his entitlement and quantify the revised amount and



pay the same ,within a period of twelve(12) weeks from the date of receipt of a copy of this order.'

9.With the above directions, this Writ Petition is disposed of.
No costs.

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Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Principal Secretary to Government,
Transport (E) Department,
Fort St.George,
Chennai-9.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-16830[F] dated 15/09/2020)
+1 CC to M/s.SPL GP (SR-17070[F] dated 16/09/2020)

W.P. (MD)No.11718 of 2020
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CK(CO)

TR(06.11.2020) 3P 4C