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W.P.(MD)NO.21097 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21097 of 2022

K.Senthilnathan

... Petitioner

Vs.

1. The Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.
3. The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 02.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner's difference in gratuity, difference in leave salary and difference in pension arrears as per the wage revision Settlement under Section 12(3) of the Industrial Disputes Act dated 04.01.2018 with interest at the rate of 6 % per annum payable from 01.06.2017 till the date of



actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents: Mr.K.Jagadees Balan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is given liberty to work out his claim regarding pension arrears separately.

3. The petitioner was employed as Conductor in the respondent corporation. He joined service in the year 1990 and retired on 31.05.2017. The petitioner's terminal benefits were settled. However, the petitioner contended that there was a pay revision settlement under Section 12(3) of the Industrial Disputes Act on 04.01.2018 and that he is entitled to difference in benefits. Since his request was not considered, the present writ petition came to be filed.



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4. The issue on hand is no longer *res integra*. My attention is drawn to the order dated **30.09.2016** made in ***W.P.Nos.29965 and 29966 of 2016*** and it was held as follows:-

“ 7. The relevant portion of the order dated 27.3.2014 passed by this Court in W.P.Nos.971 of 2013 etc. is usefully extracted hereunder:-

' 7. It is not in dispute that pursuant to the pay revision as per G.O.(Ms) Nos.234 and 236, Finance (PC) Department dated 1.6.2009, the present petitioners were also given such benefit of pay revision by passing G.O.(Ms) No. 63, Transport (D) Department dated 5.2.2010, with retrospective effect. One such pay revision is extended to the petitioners also, all the benefits accrued consequent upon such pay revision also should be extended to them without any restriction, in respect of encashment of earned leave.'

8. Since the issue involved in the



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present writ petitions is also identical to the issue involved in the said decision, following the same, these writ petitions are also allowed and the respondents are directed to pay the difference amount of encashment of earned leave to the petitioners in each of these writ petitions in respect of the amount as sought for therein along with appropriate interest, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

5. Respectfully following the very same approach, I direct the respondents herein to pay forthwith the difference in gratuity and difference in leave salary in accordance with the settlement under Section 12(3) of the Industrial Disputes Act dated 04.01.2018 with interest @ 6% p.a. from the date of retirement till the date of payment. This writ petition stands allowed accordingly. No costs.

22.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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