



W.P.No.26884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.26884 of 2023

Elumalai

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation [Villupuram] Limited,
Vazhuthareddy Post, Salamedu, Villupuram – 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation [Villupuram] Ltd.,
Cuddalore Region, Cuddalore – 607 001.
3. The Administrator
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar illam, Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to revise the petitioners scale of pay in the post of Selection Grade checking Inspector with effect from 01.09.2010 as per Clause 1, 2 and 5 of the



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settlement under Section 12(3) of the I.D. Act dated 04.01.2018 by applying the scale of pay of Rs.9300-34800 plus 4300 and also by multiplying with factor 2.44 with dearness allowance and consequently direct the respondents to pay him difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension payable to him based on 13th wage settlement dated 04.01.2018 together with interest 18 percentage payable from the date of his retirement to till the date on which the above monetary benefits are settled to him within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.R.Venkatesa Perumal – R1 & R2

Mr.C.S.K.Sathish – R3

ORDER

This Writ Petition has been filed to direct the respondents to revise the petitioners scale of pay in the post of Selection Grade checking Inspector with effect from 01.09.2010 as per Clause 1, 2 and 5 of the settlement under Section 12(3) of the I.D. Act dated 04.01.2018 by applying the scale of pay of Rs.9300-34800 plus 4300 and also by



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multiplying with factor 2.44 with dearness allowance and consequently direct the respondents to pay him difference amounts in his terminal benefits payable to him including difference in gratuity, difference in terminal leave salary, difference in commutation and difference in monthly pension payable to him based on 13th wage settlement dated 04.01.2018 together with interest 18 percentage payable from the date of his retirement to till the date on which the above monetary benefits are settled to him within the stipulated time as may be fixed by this Court.

2. It is the case of the writ petitioner that he retired from service on 31.08.2016 on attaining the age of superannuation. The grievance of the petitioner is that as per the settlement reached between the employer and employee under section 12[3] of the Industrial Dispute Act, the petitioner is eligible to get 2.44 higher pay, which comes according to the petitioner a sum of Rs.4300/- and based on which the pay has to be recalculated and accordingly the retiral benefits including the pensionary benefits has to be paid. Hence, the present Writ Petition has been filed seeking difference in retiral benefits as per 13th wage settlement under



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section 12[3] of the Industrial Dispute Act along with interest at the rate of 18% p.a. within the time stipulated by this Court.

3. Heard Mr.J.Pradeep learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned counsel appearing for the first respondent and second respondents and Mr.C.S.K.Sathish, learned Counsel for the third respondent.

4. This Court, in various decisions, have already taken a view that in all cases of belated payment of the terminal benefits, the concerned employee would be entitled for interest at the rate of 4% per annum. Hence, this Court is of the view that the petitioner is entitled for interest at the rate of 4% per annum on the belated payment of the terminal benefits.

5. Accordingly, the respondent is directed to pay differential arrears as per the settlement dated 04.01.2018 under section 12(3) of the Industrial Disputes Act 1947 along with interest at the rate of 4% per



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annum on the belated payment of the terminal benefits to the petitioner, from the date of his retirement till the date of actual disbursement within a period of eight weeks from the date of receipt of a copy of this Order.

6. With the above direction, this Writ Petition is disposed of. No costs.

14.09.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

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N.SATHISH KUMAR, J.

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