



W.P.(MD)No.2093 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2093 of 2023

S.Ismailkhan

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Rep. by its Managing Director,
Madurai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to revise the scale of pay of the petitioner w.e.f. 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and consequently to pay him



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difference in his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.S.Ramachandrapradeep

ORDER

This writ petition has been filed to direct the respondent to revise the scale of pay of the petitioner w.e.f. 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and consequently to pay him difference in his terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum.

2. The learned counsel appearing for the petitioner submitted that



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the petitioner was appointed as Junior Tradesman in the respondent Corporation in the year 1981. After completion of 36 years of service, finally he was working as Senior Grade Tradesman and retired from service on 30.04.2017 and after retirement, the scale of the petitioner should be refixed from 01.09.2016, based on the new settlement, dated 04.01.2018, which resulted in increase of wages payable to him on the month of his retirement. Hence, the respondent duty bound to pay the retirement benefits to the petitioner as per the settlement. Even after passing of more than 5 years, no order was passed. Hence, the present writ petition is filed with the aforesaid prayer.

3. The learned counsel for the petitioner further submitted that this Court may issue a direction to the respondent to consider the petitioner's representation, dated 14.10.2022, by revising the terminal benefits in respect of Gratuity, Encashment of Leave in terms of new wage settlement, dated 04.01.2018 within the time limit stipulated by this Court.

4. Considering the limited request made by the learned counsel for



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the petitioner, this Court directs the respondent to consider the petitioner's representation, dated 14.10.2022, in terms of the new wage settlement, dated 04.01.2018 and also in terms of the order passed by this Court in W.P. (MD) Nos.27525 of 2022 etc., batch, dated 21.12.2022, if otherwise eligible and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

02.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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M.DHANDAPANI,J.

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