



W.P.(MD).No.20955 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20955 of 2023

T.Kalaiselvan

... Petitioner

Vs.

**1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.**

**2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy-610 001.**

**3.The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
Kumbakonam-612 001.**

**4.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar House, Anna Salai,
Chennai-600 002.**

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to revise the wages of the petitioner with effect from 01.09.2019 based on the 14th wage settlement, dated 24.08.2022 and to pay arrears of wages payable from 01.09.2019 to 31.03.2020, difference in Gratuity and difference in Leave Salary and arrears of Pension from 01.04.2020 to 30.06.2023 along with the interest at the rate of 12% per annum from the date of wage settlement i.e 24.08.2022 till the date of actual payment.

For Petitioner : Mr.D.Siva Raman

For R-1 to R-3 : Mr.K.Ramaiah
Standing Counsel

For R-4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents herein to revise the wages of the petitioner with effect from 01.09.2019 based on the 14th wage settlement, dated 24.08.2022 and to pay arrears of wages payable from 01.09.2019 to 31.03.2020, difference in Gratuity and difference in Leave Salary and arrears of Pension from 01.04.2020 to 30.06.2023 along with the interest at the rate of 12% per annum from the date of wage settlement i.e 24.08.2022 till the date of actual payment.



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

3. The petitioner was retired as Driver Level-5 in the respondent Corporation. He reached the age of superannuation on 31.03.2020.

4. Subsequently, a settlement was entered into between the Union and the Management on 24.08.2022. But it was made applicable with effect from 01.09.2019. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 24.08.2022. However, his terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also interest thereon.

5. This stand of the petitioner cannot be disputed. I therefore, direct the respondents Corporation to pay differential benefits in respect of Gratuity and Leave Salary. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The respondents have to make the differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment.



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6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

29.08.2023

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

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy-610 001.

3.The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office,
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4.The Administrator,
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Employees' Pension Fund Trust,
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L.VICTORIA GOWRI, J.

BTR

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