



W.P.(MD).No.23008 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23008 of 2023

R.Devaraju

... Petitioner

Vs

The Management of Tamilnadu,
State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep.by its General Manager, Trichy.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revise / re-fix the scale of pay of the petitioner w.e.f. 01.09.19 to till his retirement, based on the wage settlement, dated 24.08.22 and consequently pay him difference / arrears of wages for the period from 01.09.19 to 31.07.2022 and also 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 percent interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S. Arunachalam

For Respondent : Mr.K.Ramaiah
Standing Counsel



W.P.(MD).No.23008 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the respondent to revise / re-fix the scale of pay of the petitioner w.e.f. 01.09.19 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently pay him difference / arrears of wages for the period from 01.09.19 to 31.07.2022 and also 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 percent interest per annum, within a time frame as may be fixed by this Court.

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

3. The petitioner retired as a Driver in the respondent Corporation from 13.07.1989. He retired from service on 31.07.2022.

4. Subsequently, a settlement was entered into between the Union and the Management on 24.08.2022. But it was made applicable with effect



W.P.(MD).No.23008 of 2023

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 respondent Corporation to pay arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 24.08.2022. 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.

6. Accordingly, this Writ Petition stands disposed of. No costs.

21.09.2023

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



W.P.(MD).No.23008 of 2023

WEB COPY

To
The General Manager,
Management of Tamilnadu,
State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.



WEB COPY



W.P.(MD).No.23008 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.23008 of 2023

21.09.2023