



W.P.(MD).No.23535 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23535 of 2023

M.Rajagopal

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation

(Madurai) Limited,

Represented by its Managing Director,

By Pass Road,

Madurai-16.

2.The General Manager,

Tamil Nadu State Transport Corporation

(Madurai) Limited,

Virudhunagar Region,

Virudhunagar District.

3.The Administrator,

Tamil Nadu State Transport Corporation

Employees Pension Fund Trust,

Pallavan Salai,

Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the action of the respondents in rejecting or refusing to pay the petitioner, Revised Gratuity, Revised Earned Leave Salary, revised Commuted Value of pension, Revised



W.P.(MD).No.23535 of 2023

Pension and other terminal benefits based on his revised basic pay as on the date of his superannuation / retirement payable to the petitioner as per settlement, dated 04.01.2018 entered under Section 12(3) of I.D.Act and stating that there is no provision or practice to pay the terminal benefits based on the revised basic pay and that the terminal benefits will be paid and settled only based on the actual pay received by him on the date of his retirement as illegal, arbitrary, and consequently to direct the respondents to revise the petitioner's terminal benefits namely Gratuity, Earned Leave Salary, Commuted Value of Pension, Monthly Pension based on the basic pay payable to him as per settlement, dated 04.01.2018 as on the date of his retirement and to pay him difference in gratuity, difference in earned leave salary and difference in pension, and difference in commuted value of pension with 6% interest per annum payable from the date of his retirement to till the date on which the above difference amounts in terminal benefits are settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Raja
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.



W.P.(MD).No.23535 of 2023

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3. The petitioner was employed as Conductor in the respondent Transport Corporation. He joined service in the year 1980 and retired on 30.04.2014. 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.

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 27.03.2014 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



W.P.(MD).No.23535 of 2023

should be extended to them without any restriction, in respect of encashment of earned leave.'

8. Since the issue involved in the 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 difference in gratuity, encashment of leave salary, arrears of salary and arrears of pension in terms of the wage settlement, dated 04.01.2018 with interest at the rate of 6% p.a. from the date of retirement till the date of payment. This writ petition stands disposed of accordingly. There shall be no order as to costs.

27.09.2023



W.P.(MD).No.23535 of 2023

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

To

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W.P.(MD).No.23535 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.23535 of 2023

27.09.2023