



W.P.(MD).No.23822 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23822 of 2023

H.Thanikasalam

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Represented by its General Manager,
Dindigul.

... 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 with effect from 01.09.2019 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference / arrears of wages for the period from 01.09.2019 to 30.06.2022 and 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



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For Respondent : Mr.S.Ramachandra Pradeep
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondent to revise / re-fix the scale of pay of the petitioner with effect from 01.09.2019 till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference / arrears of wages for the period from 01.09.2019 to 30.06.2022 and 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. 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 Driving Instructor in the respondent Corporation. He retired from service on 30.06.2022.



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4. 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. But 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 (6) months from the date of receipt of a copy of this order. The respondent has 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. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

29.09.2023



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

To

The General Manager,
The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.



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L.VICTORIA GOWRI, J.

BTR

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