



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22181 of 2024

R.Duraiswamy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore – 632 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's wages with effect 01.09.2016 based on the 13th wage settlement dated 04.01.2018 and pay him the arrears of wages payable from 01.09.2016 to 30.06.2017, difference in Leave Salary, Gratuity and Arrears of pension from 01.07.2017 to 31.08.2019 along with the interest at the rate of 12 percent per annum from the date of entitlement to till the date of actual disbursement within a time limit to be stipulated by this Court.



For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.R.Venkatesaperumal
Standing Counsel

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to revise the wages of the petitioner w.e.f. 01.09.2016 based on the 13th wage settlement dated 04.01.2018 and to pay the arrears of wages from 01.09.2016 to 30.06.2017 and also the difference in leave salary, gratuity and arrears of pension from 01.07.2017 to 31.08.2019 along with interest at the rate of 12% per annum.

2.Heard Mr.P.Mohanraj, learned counsel appearing on behalf of the petitioner and Mr.R.Venkatesaperumal, learned Standing Counsel appearing on behalf of the respondents.

3.The case of the petitioner is that the petitioner joined the services of the 1st respondent Transport Corporation as a Conductor on 13.01.1992. The services of the petitioner was regularised in the year 1992. The petitioner was



promoted to various posts and ultimately, he was working as a Special Grade Conductor and attained superannuation on 30.06.2017.

4.The further case of the petitioner is that the respondent Corporation settled the retirement benefits to the petitioner.

5.The further case of the petitioner is that the 13th Tripartite Wage Settlement under Section 12(3) of the Industrial Disputes Act was entered into between the Management and the Trade Unions and the same was signed on 04.01.2018. As per the terms of settlement, the management agreed to revise the wages of employees those who are in service as on 01.09.2016 by revising the pay. The petitioner retired from service with effect from 30.06.2017. In spite of the same, the petitioner was entitled for the revised pay, since it was made effect from 01.09.2016.

6.The grievance of the petitioner is that the respondent Corporation had settled his retirement benefits based on the pre-revised wages. Thereafter, the respondents revised the pension of the petitioner from September 2019 based on



the wage revision. However, for the interregnum period from July 2017 to August 2019 the difference of pension was not paid as per the revised wages. Similarly, the difference in gratuity and leave salary was also not paid from 01.09.2016 to 30.06.2017. The petitioner made a detailed representation in this regard on 11.07.2023 seeking for revision of wages and for other consequential benefits based on the 13th wage settlement. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

7. In the considered view of this Court, the petitioner was entitled for the benefits of the revised wages under the 13th wage settlement. The same was in fact recognised by the respondent Corporation and from September 2019 onwards, the pension of the petitioner was also revised based on the wage revision that took place pursuant to the wage settlement. Hence, whatever difference amount to which the petitioner is eligible ought to have been paid to the petitioner. The representation made by the petitioner in this regard had not evoked any response. Therefore, this Court has to necessarily issue directions to the 1st respondent to deal with the representation and to pay the amounts to



which the petitioner is entitled. Since there is a delay, the petitioner will also be entitled for interest from the date when the amount became payable till the date of realization.

8. In the light of the above discussion, this writ petition is disposed of with a direction to the 1st respondent to deal with the representation made by the petitioner on 11.07.2023 and pay the difference in wages, difference in gratuity and leave salary for the relevant period, within a period of six weeks from the date of receipt of copy of this order. The interest shall be paid at the rate of 6% from the date on which it was due and payable to the petitioner till the date of realization.

9. This writ petition is disposed of with the above directions. No Costs.

06.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

(2/2)



WEB COPY



N. ANAND VENKATESH, J.

ssr

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore – 632 009.

W.P.No.22181 of 2024

**06.08.2024
(2/2)**