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W.P.No.35795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.35795 of 2024

P.Manickam

...Petitioner

-Vs-

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondent to pay the dues to the petitioner, as admitted in the RTI information dated 02.09.2024 and 10.09.2024, as towards difference / arrears of wages for the period from 01.09.2013 to 30.11.2014 and terminal benefits namely, Gratuity and Encashment of Leave, after revising the same based on the scale of pay payable to him on the month of his retirement and also the encashment of 5 days of earned leaves surrendered by him in the year before his retirement, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.C.Gowtham Raj
Standing Counsel



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ORDER

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Mr.C.Gowtham Raj, learned Standing Counsel takes notice on behalf of the respondent. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking a direction to the respondent to pay the dues to the petitioner as admitted in the RTI information dated 02.09.2024 and 10.09.2024, as towards difference / arrears of wages for the period from 01.09.2013 to 30.09.2014 and terminal benefits namely, Gratuity and Encashment of Leave, after revising the same based on the scale of pay payable to him on the month of his retirement and also the encashment of 5 days of earned leaves surrendered by him in the year before his retirement, together with 18% interest per annum, within a time frame.

3. Learned counsel appearing for the petitioner contended that the petitioner was appointed / working as a Driver in the Respondent Corporation from 06.10.1984. After completion of 29 years of service and finally working as 'Special Grade Driver' with Staff No.84DR1010949 in the Respondent Corporation, he was retired from service on 30.09.2013 on



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reaching superannuation. The scale of the petitioner was re-fixed with effect from 01.09.2013, based on new wage settlement dated 13.04.2015, which resulted in an increase in his wages payable to him in the month of his retirement also. Hence, the respondent is bound to pay him arrears of wages and the terminal benefits after revising the same, as admitted in the RTI information.

4. In view of the same, the petitioner submitted a representation to the respondent on 20.09.2024. However, till date no action has been taken by the respondent so far. Hence, the writ petition is filed.

5. Learned Standing Counsel appearing for the respondent submitted that if the petitioner is eligible for arrears of wages for the period from 01.09.2013 to 30.09.2013 then the same would be settled to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Without going into the merits of the case, the respondent is directed to pay the eligible and admissible amount with interest at the



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rate of 6% per annum for the belated payment to the petitioner within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame by this Court, it will fetch interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of actual realisation.

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

26.11.2024

cda

Index : Yes / No

Speaking / Non-Speaking order

To

The Managing Director,
The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore.

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