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W.P.No.37292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37292 of 2024

R.Rajagopal

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore -43.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd,
Erode Region, Chennimalai Road,
Erode - 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporation EPF Trust,
Thiruvallurvar House, Anna Salai,
Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to pay the difference/arrears of wages for the period from 01.09.2016 to 30.09.2017 and also terminal benefits namely Gratuity and Encashment of Leave, Provident Fund, Pension Arrears and to revise pension on the basis of 12(3) settlement dated 04.01.2018 along with 12% interest p.a. within a



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time frame as may be fixed by this Court.

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For Petitioner : Mr.N.Senthilkumar

For Respondents : Mr.M.Murali Vinodh for R1 and R2

Standing counsel

Mr.C.S.K.Sathish for R3

Standing counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition to issue a Writ of Mandamus directing the Respondents to pay the difference/arrears of wages for the period from 01.09.2016 to 30.09.2017 and also terminal benefits namely Gratuity and Encashment of Leave, Provident Fund, Pension Arrears and to revise pension on the basis of 12(3) settlement dated 04.01.2018 along with 12% interest p.a. within a time frame as may be fixed by this Court.

3. The case of the petitioner is that the petitioner was appointed in the Respondents Transport Corporation and after completion of about 30 years of service with them, he was retired from service on 30.09.2017 as Checking Inspector on reaching the age of superannuation. While the petitioner was in verge of his retirement, a new wage settlement was to be



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arrived. But, there was a delay in arriving at the settlement. Thus, the petitioner was retired from service on 30.09.2017 before new settlement was arrived on 04.01.2018. Though the petitioner was retired before the settlement, he is entitled to get the benefits of the same, in view of the fact that the settlement was given retrospective effect. As per the new settlement, the petitioner scale of pay is required to be re-fixed i.e., on 01.09.2016 to the month of retirement i.e., 30.09.2017, thus, the respondents are bound to pay the arrears of wages for the period from 01.09.2016 to 30.09.2017. Hence this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the case of the petitioner and pass orders.

5. The learned standing counsel appearing for the respondents submitted that the case of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondents to consider the case of the petitioner and pass orders on the claim made by the petitioner



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within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order

msv

To

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V.BHAVANI SUBBAROYAN,J.



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