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W.P.No.38602 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38602 of 2024

N. Shanmugasundaram

...Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation(kovai) Ltd.,
Erode Region,
Rep by its Managing Director,
Erode

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to revise/re-fix the scale of pay of the petitioner from 01.09.2019 till his retirement based on the wage settlement dated 24.08.2022 and consequently to pay the petitioner/difference/arrears of wages for the period from 01.09.19 to 30.09.2020 and also terminal benefits namely gratuity and encashment of leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of his retirement, together with 18% interest per annum within a time frame as may be fixed by this Court and pass orders.

For Petitioner

: Mr.V. Ajoy Khose

For Respondents

: Mr.M. Murali Vinodh
Standing Counsel



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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 respondent to revise/re-fix the scale of pay of the petitioner from 01.09.2019 till his retirement based on the wage settlement dated 24.08.2022 and consequently to pay the petitioner/difference/arrears of wages for the period from 01.09.19 to 30.09.2020 and also 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 within a time frame as may be fixed by this Court and pass orders

3. The case of the petitioner joined the respondent corporation on 10.06.1987 and retired on 30.09.2020. The further case of the petitioner is that while arriving the terminal benefits the respondent have not



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implemented the Wages Act properly, due to which there was a monetary loss to the petitioner. Hence, the petitioner is entitled to the difference amount, but the respondent has not turned up and paid the amount. Therefore, the petitioner made sent a representation on 19.10.2024 to the respondent and the same was not considered. 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 petitioner's representation and pass orders.

5. The learned standing counsel appearing for the respondents submitted that the representation 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 and the submissions made by either side counsel, this Court directs the Respondent/Corporation to pay the eligible amount as payable to the petitioner along with interest at the rate of 6% per annum for the delay period in settling the said amount.



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This payment shall be made 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 fixed by this Court, it will fetch an 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.

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

No order as to costs.

17.12.2024

Index: Yes/No

Speaking order/Non-speaking order

smn

To

The Managing Director

The Tamil Nadu State Transport Corporation (Kovai) Ltd.,

Erode Region, Erode



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V.BHAVANI SUBBAROYAN,J.

Smn

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