



W.P(MD)No.537 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.537 of 2024

K.Balasubramanian

... Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Represented by its General Manager,
Trichy.

... 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 w.e.f. 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 31.12.2019 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.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondent to revise / re-fix the scale of pay of the petitioner w.e.f. 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 31.12.2019 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.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Junior Tradesman in the respondent Corporation on 05.12.1984 and retired as Foreman on 31.12.2019.

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.



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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.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To
The General Manager,
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.



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L.VICTORIA GOWRI, J.

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