



W.P.(MD).No.1608 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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B.B.Chandran

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli Division, Kattapomman Nagar,
V.M.Chathiram, Tirunelveli.

2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Represented by its General Manager,
Nagerocil Region, Ranithottam,
Nagercoil.

3.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage settlement, dated 24.08.2022 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2019 to 31.05.2022 and



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also the difference in petitioner's terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement, together with 18% interest per annum and further directing the respondents to revise the petitioner's pension with effect from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September, 2019 and pension commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For R1 & R2 : Mr.K.Ramaiah
Standing Counsel

For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage settlement, dated 24.08.2022 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2019 to 31.05.2022 and also the difference in petitioner's terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of



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pay payable to the petitioner on the month of the petitioner's retirement, together with 18% interest per annum and further directing the respondents to revise the petitioner's pension with effect from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September, 2019 and pension commutation, 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 a Driver in the respondent Corporation on 05.03.1988 and he retired from service as Special Grade Driver on 31.05.2022.

4. Subsequently, 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. Therefore, the petitioner was also entitled to the benefit under the



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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 differential benefits in respect of gratuity and leave salary. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The respondents have 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. The Writ Petition is disposed of. No costs.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli Division, Kattapomman Nagar,



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V.M.Chathiram, Tirunelveli.

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- 2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Represented by its General Manager,
Nagerocil Region, Ranithottam,
Nagercoil.
- 3.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
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L.VICTORIA GOWRI, J.

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