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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3499 of 2024

M.Ilamparithi

... Petitioner

Vs

The Management,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Rep. by its General Manager,
Dindigul.

... 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. 01.09.19 to till his retirement, based on the wage settlement, dated 24.08.22 and consequently to pay him difference / arrears of wages for the period from 01.09.19 to 31.05.22 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 percent interest per annum, within the time frame fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Ramaiah
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. 01.09.19 to till his retirement, based on the wage settlement, dated 24.08.22 and consequently to pay him difference / arrears of wages for the period from 01.09.19 to 31.05.22 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 percent interest per annum, within the time frame 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 retired as a Senior Assistant in the respondent Corporation on 31.05.2022.

4. Subsequently, a settlement was entered into between the Union and the Management on 24.08.2022. But it was made applicable with effect

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from 01.09.2019. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 24.08.2022. However, 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 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. Accordingly, this Writ Petition stands disposed of. No costs.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.3499 of 2024

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