



WEB COPY

W.P.(MD).No.4172 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4172 of 2024

S.Radhakrishnan

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Express Transport Corporation Ltd.,
Rep. By its General Manager,
Pallavan Salai, Chennai – 2.

2.The Administrator,
Tamil Nadu State Transport
Employees' 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 petitioners 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 30.07.2022 and also the difference in petitioners terminal benefits namely Gratuity Encashment of Leave after revising the same based on such re-fixed scale of pay payable to



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petitioner on the month of the petitioners 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.

For Petitioner : Mr.R.Murugan
For R-1 : Mr.K.Senthil Kumar
Standing Counsel
For R-2 : Mr.S.C.Herold Singh,
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 present writ petition has been filed seeking direction to the 1st respondent to revise petitioners 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 30.07.2022 and also the difference in petitioners terminal benefits namely Gratuity Encashment of Leave after revising the same based on such re-fixed scale of pay payable to



petitioner on the month of the petitioners 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.

3.The petitioner retired as 'Selection Grade Senior Tradesman' in the respondent Corporation. He reached the age of superannuation on 30.07.2022.

4.Heard the learned counsel on either side.

5.Subsequently, 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. 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.



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6.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.

7.In view of the above, this Writ Petition is disposed of. No costs.

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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Management of
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L.VICTORIA GOWRI, J.

Mrn

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