



W.P.(MD).No.4844 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4844 of 2024

P.Kumaresan

... Petitioner

Vs

The Management of Tamilnadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Rep. by its General Manager,
Nagercoil.

... 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 01.09.2016 to till his retirement, based on the wage settlement, dated 04.01.2018 and consequently to pay him difference / arrears of 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 the time frame fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Jebaraj
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the the respondent to revise / re-fix the scale of pay of the petitioner w.e.f 01.09.2016 to till his retirement, based on the wage settlement, dated 04.01.2018 and consequently to pay him difference / arrears of 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 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 Junior Tradesman in the respondent Corporation on 30.04.2017.

4. Subsequently, a settlement was entered into between the Union and the Management on (*)04.01.2018. But it was made applicable with effect from (*)01.09.2016. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated (*)04.01.2018. However, his terminal benefits were settled



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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 (*)04.01.2018. 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.

Sd/-

Assistant Registrar(CS I)

(*)Corrected as per the order of this Court dated on 02.07.2024 made in W.P. (MD).No.4839 to 4846 of 2024

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

PNM



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(*) To be substituted to the order already despatched on 10/04/2024

The General Manager,
Management of Tamilnadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Nagercoil.

+1 CC to M/s.D.JEBARAJ, Advocate (SR-9119[F] dated
04/03/2024)

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SSA (18.03.2024) 4P/ 2C

RD(19/07/2024) 4P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.