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W.P.(MD).No.5188 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5188 of 2024

N.Ilavarasan

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Rep. By its Managing Director,
Pudukottai.

... 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 24.08.2022 and consequently to pay him difference/arrears of wages for the period from 01.09.2019 to 30.04.2020 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.

For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel



ORDER

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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 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 24.08.2022 and consequently to pay him difference/arrears of wages for the period from 01.09.2019 to 30.04.2020 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.

3.The petitioner retired as Special Grade Driver in the respondent Corporation. He reached the age of superannuation on 30.04.2020.

4.Heard the learned counsel on either side.

5.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 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.

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, the Writ Petition is allowed. No costs.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn
To
The Managing Director,
Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.



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L.VICTORIA GOWRI, J.

Mrn

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