



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6207 of 2024

S.Natarajan

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Rep. By its Managing Director,
Kattapomman Nager, V.M.Chathiram,
Tirunelveli.

2.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Division,
Rep. By its General Manager,
Ranithottam, Nagercoil.

3.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
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 the petitioner's scale of pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 30.04.2017 and aslo the difference in petitioner's terminal benefits namely Gratuity, encashment



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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.

For Petitioner : Mr.R.Murugan
For 1st Respondent : Mr.D.Jebaraj
Standing Counsel
For 2nd Respondent : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to revise the petitioner's scale of pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 30.04.2017 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 pay payable to the petitioner on the month of the petitioner's retirement, together with 18% interest per annum.

2. The petitioner retired as Conductor in the respondent corporation. He reached the age of superannuation on 30.04.2017.

3. Heard the learned counsel on either side.



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 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 allowed. No costs.

14.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD).No.6207 of 2



To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nager, V.M.Chathiram,
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Division,
Ranithottam, Nagercoil.
- 3.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai -2.



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W.P.(MD).No.6207 of 2



L.VICTORIA GOWRI, J.

Mrn

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