



W.P.(MD).No.6358 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6358 of 2024

A.Vargheese

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Division,
Represented by its Managing Director,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.

2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Represented by its General Manager,
Ranithottam, Nagercoil.

3.The Administrator,
Tamil Nadu State Transport
Employee's 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 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 /



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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 petitioner on the month of the petitioner's retirement, together with 18% interest per annum within a time frame fixed by this Court.

For Petitioner : Mr.R.Murugan

For R1 : Mr.D.Jebaraj
Standing Counsel

For R2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to revise 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 petitioner on the month of the petitioner's retirement, together with 18% interest per annum within a time frame fixed by this Court.



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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Tradesman in the respondent Corporation on 09.04.1987 and retired as Senior Grade Checking Inspector on 30.04.2017.

4. Subsequently, settlement was entered into between the Union and the Management on 01.04.2018. 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 01.04.2018. 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



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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 stands disposed of. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam, Nagercoil.

3.The Administrator,
Tamil Nadu State Transport
Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.



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L.VICTORIA GOWRI, J.

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