



WP(MD) No.7401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.7401 of 2024

R.Mohanraj

... Petitioner

Vs.

1.The Managing Director

State Express Transport Corporation, (TN) Ltd,
Corporate Office,
No.2, Pallavan Salai,
Chennai - 600 002.

2.The Administrator

TNSTC Employees Pension Trust,
SETC (TN) Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.

...Respondents



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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 with retrospective effect from 01.09.2019 and also the scale of pay to petitioner on the month of petitioners retirement as per 14th new settlement dated 24.08.2022 and consequently to pay petitioner the difference / arrears of wage for the period from 01.09.2019 to 30.06.2022 and also the differences in petitioner's terminal benefits namely, Gratuity, encashment of leave, after revising the same based on such re-fixed scale of payable to the petitioner on the month of the petitioner retirement, together the interest at the rate of 6% per annum as per Court direction for belated payments and further directing the respondents to revise the petitioner's pension with retrospective from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of his retirement and pay the petitioner's arrears of pension for the period of September, 2019 and pension commutation to get



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with 6% per annum.

For Petitioner : Mr.M.Fernand

For Respondents : Mr.K.Senthil Kumar – for R1

Standing Counsel

Mr.S.C.Herold Singh – for R2

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 1st respondent to revise petitioner's scale of pay with retrospective effect from 01.09.2019 and also the scale of pay to petitioner on the month of petitioners retirement as per 14th wage settlement dated 24.08.2022 and consequently to pay petitioner the difference / arrears of wage for the period from 01.09.2019 to 30.06.2022 and also the differences in petitioner's terminal benefits namely, Gratuity, encashment of leave, after revising the same based on such re-fixed scale of payable to the petitioner on the month of the petitioner retirement, together the



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interest at the rate of 6% per annum as per Court direction for belated payments and further directing the respondents to revise the petitioner's pension with retrospective from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of his retirement and pay the petitioner's arrears of pension for the period of September, 2019 and pension commutation to get with 6% per annum.

2. Heard Mr.M.Fernand, learned counsel for the petitioner, Mr.K.Senthil Kumar, learned Standing Counsel appearing for the first respondent and Mr.S.C.Herold Singh, learned counsel appearing for the second respondent.

3. The petitioner retired as “Selection Grade Senior Driver” in the respondent Corporation. He retired from service on 30.06.2022.



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4. 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.

5. This stand of the petitioner cannot be disputed. I feel it is appropriate to 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 24.08.2022.

6. Accordingly, this Court directs the respondent Corporation to pay arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 24.08.2022, This amount shall be paid within a



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period of six (6) months from the date of receipt of a copy of this order. The respondent Corporation has 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. With the above direction, this Writ Petition is **disposed of**. No costs.

16.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

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2.The Administrator
TNSTC Employees Pension Trust,
SETC (TN) Ltd.,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.7401 of 2024

Dated:
16.04.2024