



W.P.(MD).No.7581 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7581 of 2024

M.Ravi

... 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

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 with retrospective effect from 01.09.2019 and also the scale of pay to the petitioner on the month of his retirement as per 14th new settlement dated 24.08.2022 and consequently to pay the petitioner, the difference / arrears of wage for the period from 01.09.2019 to 30.06.2022



W.P.(MD).No.7581 of 2024

and also the differences in his 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 his 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 him arrears of pension for the period of Sep.2019 and pension commutation to get with 6% per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.J.Sulaiman Basha

For R-1 : Mr.K.Senthil Kumar,
Standing Counsel

For R-2 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

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 respondents to disburse the petitioner's difference amount of Salary, Gratuity,



W.P.(MD).No.7581 of 2024

Surrender Leave, Provident Fund, Pensions Arrears and to revise Pensions on the basis of 12(3) settlement dated 24.08.2022 along with 6% interest.

3. The petitioner retired as a Selection Grade Senior Driver in the respondent corporation. He reached the age of superannuation on 30.06.2022.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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, leave



W.P.(MD).No.7581 of 2024

salary and other benefits payable to the petitioner. This amount shall be paid within a period of six (6) 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. Accordingly, this Writ Petition stands disposed of. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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.



WEB COPY



W.P.(MD).No.7581 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.7581 of 2024

28.03.2024