



W.P.(MD).No.9083 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9083 of 2024

V.Maria Francis

... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Rep. by its Managing Director,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli..
2. The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Rep. by its General Manager, Nagercoil Region,
Ranithottam, Nagercoil.
3. The Administrator,
Tamil Nadu State Transport Employees 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. 01.09.2019 based on the new wage settlement, dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and also the



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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 within a time frame fixed by this Court.

For Petitioner : Mr. R.Murugan
For Respondents : Mr.D.Jebaraj (R1,R2)
Mr.S.C.Herold Singh (R3)
Standing Counsels

ORDER

The petitioner has filed this writ petition seeking to issue a direction to the 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage settlement, dated 24.08.2022 and consequently to pay the petitioner difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 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.Heard the learned counsel appearing for the petitioner and the learned Standing Counsels appearing for the respondents. Perused the materials available on record.



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3.The petitioner was employed as **Tradesman** in the respondent Corporation and retired from service on attaining the age of **superannuation** on **31.05.2022**. Subsequently, 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. Hence, the petitioner is also entitled to the benefit under the said settlement, dated 24.08.2022. However, his terminal benefits were settled without reference to the terms of the settlement. Therefore, he made a representation to the **first respondent on 31.03.2024** and the same was not considered.

4.When the matter was taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if the representation submitted by the petitioner is considered by the respondents within the time limit stipulated by this Court.

5.In view of the above said submission and considering the limited scope of the prayer sought for by the petitioner, this Court without going into the merits of the matter, directs the **first** respondent to consider the representation of the petitioner, dated 31.03.2024 and pass appropriate orders in



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accordance with law, within a period of twelve (12) weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

12.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Managing Director,
1. 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) Limited,
Nagercoil Region, Ranithottam, Nagercoil.
3. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
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R.N.MANJULA, J.

PNM

ORDER IN
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