



W.P.(MD)No.10364 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.10364 of 2024

M.Jegatheeswari

... Petitioner

vs.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to revise the petitioner's husband'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



W.P.(MD)No.10364 of 2024

petitioner difference/arrears of wages for the period from 01.09.2019 to 25.05.2021 (petitioner's husband's date of last service) and also the difference in petitioner's husband'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 husband's demise, together with 18% interest per annum within a time frame.

For Petitioner : Mr.R.Murugan  
For R1 & R2 : Mr.K.Ramiah  
For R3 : Mr.S.C.Herold Singh

### **ORDER**

Heard Mr.R.Murugan, learned counsel appearing for the petitioner, Mr.K.Ramiah, learned Standing Counsel appearing for R1 and R2 and Mr.S.C.Herold Singh, learned Counsel appearing for R3.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus, directing the first respondent to revise her husband's scale of pay *w.e.f.* 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay difference/arrears of wages for the period from 01.09.2019 to 25.05.2021 (her husband's date of last service), terminal benefits namely Gratuity and Encashment of Leave to her



W.P.(MD)No.10364 of 2024

together with interest at the rate of 18% per annum within a stipulated time.

3. The petitioner's husband was appointed as a Conductor in the respondent Corporation on 25.09.1990 and after getting promotion to various stages, he was finally holding the post of Special Grade Conductor. While so, he died on 25.05.2021. Now, his wife has filed this petition.

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's husband was also entitled to the benefit under the said settlement, dated 24.08.2022. But his terminal benefits were settled without any reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also to the interest thereon.

5. This stand of the petitioner cannot be disputed. I therefore,



W.P.(MD)No.10364 of 2024

WEB COPY

direct the first 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 period of six (6) months from the date of receipt of a copy of this order. The first respondent has to make the differential payment with interest at the rate of 6% per annum to be computed from the date of the petitioner's husband's demise till the date of payment.

6. With the above observation, this Writ Petition is **disposed of**.

No costs.

29.04.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

*mbi*



WEB COPY



W.P.(MD)No.10364 of 2024

R.N.MANJULA, J.

*mbi*

W.P.(MD)No.10364 of 2024

29.04.2024