



W.P.(MD)No.11941 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11941 of 2024

S.Thinaharajan(EDP.No.0533)

... 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' 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 first respondent to revise the 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



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difference/arrears of wages for the period from 01.09.2016 to 31.05.2017 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 the petitioner on the month of the petitioner's retirement, together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner	:Mr.R.Murugan
For R1 & R2	:Mr.D.Jebaraj
For R3	:Mr.S.C.Herold Singh

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the first respondent to revise the 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 arrears of wages for the period from 01.09.2016 to 31.05.2017 and also the difference in the 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 interest at the rate of 18% per annum within a stipulated period.



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2. Heard Mr.R.Murugan, learned counsel for the petitioner, Mr.D.Jebaraj, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the third respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner retired as “Special Grade Checking Inspector” in the respondent Corporation. He reached the age of superannuation and retired from service on 31.05.2017.

5. A settlement was entered into between the Union and the Management on 04.01.2018. 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 04.01.2018. 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 the interest thereon.



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6. Hence, it is appropriate to direct the respondent Corporation to pay differential benefits in respect of Wages, Gratuity, Encashment of Leave as per wage settlement, dated 04.01.2018.

7. Accordingly, this Writ Petition is disposed of and the respondents are directed to pay differential benefits in respect of Wages, Gratuity and Encashment of Leave as per wage settlement, dated 04.01.2018 with interest at the rate of 6% per annum from the date of retirement till the date of dispersal within a period of eight (8) weeks from the date of receipt of a copy of this order. No Costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

PM



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R.N.MANJULA, J.

PM

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