



W.P.(MD)No.12146 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12146 of 2024

A.S.Rajan

... 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 Manger,
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 1st respondent to revise petitioner's scale of pay w.e.f. 01.09.2019 based on the new wage



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settlement dated 24.08.2022 and consequently to pay the petitioner difference/arrears of wages for the period from 01.09.2019 to 31.07.2022 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 percentage interest per annum and further directing the respondents to revise the petitioner's pension with effect from September 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September 2019 and pension commutation, together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.D.Jebaraj for R1 and R2

Mr.S.C.Herold Singh for R3

ORDER

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



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2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the 1st respondent to revise his scale of pay *w.e.f.* 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay him difference/arrears of wages for the period from 01.09.2019 to 31.07.2022, difference in his terminal benefits, namely, Gratuity, Encashment of Leave after revising the same based on such re-fixed scale of pay together with 18% interest per annum and further direct the respondents to revise his pension *w.e.f.* September 2019 and pension commutation, based on such re-fixed scale of pay and to pay him arrears of pension for the period from September 2019 and pension commutation, together with 18% interest per annum within a stipulated time.

3. The petitioner was appointed as a Conductor in the respondent Corporation on 20.10.1988 and after getting promotion to various stages, he was holding the post of Special Grade Conductor finally and retired from service on 31.07.2022.



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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 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, direct the first respondent Corporation to pay arrears of wages and differential benefits in respect of Gratuity, Encashment of Leave and pension 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 wage settlement till the date of actual payment.



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

No costs.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

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