



W.P.(MD)No.18598 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.18598 of 2024

and

W.M.P.(MD)No.15938 of 2024

S.Nagajothi

... Petitioner

Vs.

1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.

2.The Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. by its Managing Director,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Madurai Region, Madurai.

4.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Government letter issued by the 1st respondent in Ref.No.



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2048/E1/2022-2 Transport (E1) Department dated 17.02.2023 quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2nd respondent to pay other terminal benefits to the petitioner including difference amount in Gratuity, Leave Salary, Pension arrear and Salary arrear based on the revised salary payable to the petitioner as on the date of the petitioner's retirement as per pay revision given under 14th wage revision settlement signed under Section 12(3) of the I.D.Act dated 24.08.2022 and consequently directing the respondents to pay petitioner's difference amounts in gratuity, leave salary, Pension Arrear and Salary arrear and revised pension with arrears along with dearness allowance at the percentage of dearness allowance as fixed by the State Government to the in-service employees of the transport corporation based on the such wages payable as on the date of petitioner's retirement that is as on 31.08.2021 in terms of the above settlement along with interest at the rate of 6% per annum within a time frame as may be fixed by this Court.

For Petitioner	: Mr.A.Rahul
For R1	: Mr.J.Ashok Additional Government Pleader
For R2 and R3	: Mr.K.Jegadees Balan Standing Counsel
For R4	: Mr.S.C.Herold Singh

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner,
Mr.J.Ashok, learned Additional Governmetn Pleader for the first respondent,
Mr.K.Jegadees Balan, learned Standing Counsel appearing for second and third



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respondents and Mr.S.C.Herold Singh, learned Counsel appearing for fourth respondent.

2.The petitioner has filed this writ petition challenging the letter issued by the first respondent dated 17.02.2023, through which the revised pension of the petitioner was restricted retrospectively and seeking to issue a direction to the respondents to settle the difference in the petitioner's terminal benefits namely gratuity, leave salary and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 with 6 % rate of interest.

3.The petitioner was employed as a Special Grade Driver in the respondent Corporation and retired from service on attaining the age of superannuation on 31.05.2022. After his retirement, a settlement was entered 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. However, by the impugned letter dated 17.02.2023, the first respondent has restricted payment of revised pension prospectively and the dearness allowance was also freezed at present rates, though the petitioner is entitled to dearness allowance on par with the State Government servants. Hence, the petitioner sent a



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representation on 10.06.2023 to revise and recalculate his gratuity, pension, commutation and leave salary. However, the same was not considered. Hence, the petitioner has filed this writ petition seeking the revised pensionary benefits.

5.This stand of the petitioner cannot be disputed. I therefore allow this writ petition by setting aside the letter in Ref.No.2048/E1/2022-2 Transport (E1) Department, dated 17.02.2023. The respondent Corporation is directed to pay arrears of wages and differential benefits in respect of gratuity, encashment of leave and all other attendant benefits 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 retirement till the date of payment. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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WEB COPY

To

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Transport Department,
Secretariat, Chennai-600 009.
- 2.The Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. by its Managing Director,
Madurai.
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
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R.N.MANJULA, J.

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