



WP(MD). No.13847 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13847 of 2024

A.Sahaya Raj

... 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) Ltd.
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, to direct the 1st respondent to revise the 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



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to 30.04.2022 and also the difference in petitioner's terminal benefits namely gratuity, encashment of leave, after revising the same based on such refixed 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.K.Ramaiah for R1 and R2
Mr.S.C.Herold Singh for R3

ORDER

Heard Mr.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 for a direction to the 1st respondent to revise the 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 the difference and arrears of wages for the period from 01.09.2019 to 30.04.2022 and also the difference in petitioner's terminal benefits namely gratuity, encashment of leave, after revising the same based on such refixed scale of pay payable to the petitioner together with



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18% interest per annum within a time frame fixed by this Court. .

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3. The petitioner has retired from the respondent Corporation on 30.09.2021. As per the wage settlement, which was arrived at on 24.08.2022, the petitioner is entitled to get the benefits applicable to him. Hence, the petitioner has approached the respondents by giving a representation, which was not considered and hence, the petitioner is before this Court.

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 is 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 and Encashment of Leave as



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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 difference and arrears with interest at the rate of 6% per annum to be computed from the date of the entitlement till the date of payment.

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

No costs.

28.06.2024

RR



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R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.13847 of 2024**

Date : 28/06/2024