



WP(MD). No.14351 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 02/07/2024

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

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P.Sumathi

... Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd
Pudukottai Region,
Rep. by its Managing Director
Pudukottai

... Respondent

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, to direct the respondent to revise/refix the pay of the husband of the petitioner the deceased employee (late) S.Palanichamy staff No.96DR4090 w.e.f. 01.09.2019 to till his death, based on the wage settlement dated 24.08.2022 and consequently to pay the difference/arrears of his wages for the period from 01.09.2019 to 02.04.2021 and also his terminal benefits, namely, gratuity and encashment leave, after revising the same based on such refixed scale of pay payable to him on the month of his death, together with 18% interest per annum within a time frame fixed by this Court.

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For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.K.Jagadees Balan

ORDER

Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.K.Jagadees Balan, learned Counsel appearing for the respondent.

2. The petitioner has filed this petition for a direction to the respondent to revise/refix the pay of the husband of the petitioner w.e.f. 01.09.2019 to till his death, based on the wage settlement dated 24.08.2022 and consequently to pay the difference/arrears of his wages for the period from 01.09.2019 to 02.04.2021 and also his terminal benefits, namely, gratuity and encashment leave, after revising the same based on such refixed scale of pay payable to him, together with 18% interest per annum within a time frame fixed by this Court.

3. The petitioner's husband has retired from the respondent Corporation on 02.04.2021. As per the wage settlement, which was



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arrived at on 24.08.2022, her husband is entitled to get the benefits applicable to him. Hence, the petitioner approached the respondents by way of 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's husband 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 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



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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.

02.07.2024

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R.N.MANJULA,J

RR

**ORDER
IN
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Date : 02.07.2024