



W.P.(MD).No.14439 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14439 of 2024

N.Thirumalaisamy

... Petitioner

Vs

The Management,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Rep. by its General Manager,
Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revise / re-fix the scale of pay of the petitioner w.e.f 01.09.2019 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18 percent scale of pay payable to him on the month of his retirement, together with 18 percent interest per annum, within a time frame as may be fixed by this Court.



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For Petitioner : Mr. S.Arunachalam

For Respondent : Mr.S.Sivabalaji
Standing Counsel

ORDER

Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.S.Sivabalaji, learned Standing Counsel appearing for the respondent.

2.The petitioner has filed this writ petition seeking to issue a direction to the respondent to revise / re-fix the scale of pay of the petitioner w.e.f 01.09.2019 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18 percent interest.



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3.The petitioner was employed as a Junior Assistant in the respondent Corporation and retired from service on 31.05.2022 on attaining the age of superannuation.

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 respondent Corporation 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.



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6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

The General Manager, Management,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul.



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R.N.MANJULA, J.

PNM

ORDER IN
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