



W.P.(MD).No.14310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14310 of 2024

S.Shunmugam

... Petitioner

Vs.

- 1.The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Represented by its Managing Director,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.
- 2.The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Represented 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 for issuance of Writ of Mandamus, directing the first respondent to revise the petitioner's scale of pay with effect from 01.09.2019 based on the new wage settlement dated 24.08.2022 and consequently to pay the



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petitioner difference/arrears of wages for the period from 01.09.2019 to 31.12.2020 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% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For R-1 and R-2 : Mr.D.Jebaraj

For R-3 : Mr.S.C.Herold Singh

ORDER

Heard Mr.R.Murugan, learned counsel for the petitioner, Mr.D.Jebaraj, learned counsel for the 1st and 2nd respondents and Mr.S.C.Herold Singh, learned counsel for the 3rd respondent.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against the first respondent to revise the petitioner's scale of pay with effect from 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 to



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31.12.2020 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% interest per annum.

3. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner was appointed as a Conductor in the respondent Corporation on 13.04.1988 and thereafter he was promoted to the post of Checking Inspector and retired on 31.12.2020.

5. 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 reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also the interest thereon.



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6. In view of the above stated reasons, this Writ Petition is **disposed of** with a direction to the respondent Corporation to pay the differential benefits in respect of Gratuity, commutation of pension, arrears of monthly pension as per wage settlement, dated 24.08.2022. This amount shall be paid within a period of six weeks 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. No costs.

02.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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- 1.The Managing Director,
The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Division,
Kattapomman Nagar, V.M.Chathiram,
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Nagercoil Region,
Ranithottam, Nagercoil.
- 3.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
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R.N.MANJULA, J.

Nsr

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