



W.P.(MD)No.14605 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14605 of 2024

A.Subramonia Pillai

... 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 to issue a Writ of Mandamus, directing 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



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difference/arrears of wages for the period from 01.09.2019 to 31.03.2022 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 fixed by this Court.

For Petitioner	:	Mr.R.Murugan
For R1 & R2	:	Mr.D.Jebaraj
For R3	:	Mr.S.C.Herold Singh

ORDER

Heard Mr.R.Murugan, learned counsel appearing for the petitioner, Mr.D.Jebaraj, 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 seeking to issue a Writ of Mandamus, directing the first respondent to revise his scale of pay *w.e.f.* 01.09.2019 based on the new wage settlement dated 24.08.2022 and



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consequently to pay difference/arrears of wages for the period from 01.09.2019 to 31.03.2022, terminal benefits namely Gratuity and Encashment of Leave to the petitioner, together with interest at the rate of 18% per annum within a stipulated time by this Court.

3. The petitioner was appointed as a Tradesman in the respondent Corporation on 30.11.1988 and after getting promotion to various stages, he was finally holding the post of Special Grade Tradesman and retired on 31.03.2022.

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.



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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 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.

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

No costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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R.N.MANJULA, J.

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