



W.P.(MD).No.14513 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

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... 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, directing the 1st respondent to revise 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's difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and also the difference in petitioner's terminal benefits namely Gratuity,



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Enchashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the petitioners retirement, together with 18 percent interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr. R. Murugan
For Respondents : Mr.D.Jebaraj (R1,R2)
Mr.S.C.Herold Singh (R3)
Standing Counsels

ORDER

Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner, Mr.D.Jebaraj, learned Standing Counsel appearing for R1 & 2 and Mr.S.C.Herold Singh, learned Counsel appearing for R3.

2.The petitioner has filed this writ petition seeking to issue a direction to the 1st respondent to revise 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's difference / arrears of wages for the period from 01.09.2019 to 31.05.2022 and also the difference in petitioner's terminal benefits namely Gratuity, Enchashment of Leave, after revising the same based on such re-fixed scale of pay payable to the petitioner on the month of the



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petitioner's retirement, together with 18 percent interest per annum within a time frame as may be fixed by this Court.

3.The petitioner was employed as a Tradesman 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 first 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



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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 direction, this writ petition stands disposed of.

There shall be no order as to costs.

03.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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