



W.P.(MD)No.18236 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18236 of 2024

M.Veeramani

... Petitioner

vs.

1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai – 09.

2.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director, Kumbakonam.

3.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

4.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 02.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to pay the



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difference amounts in the benefits in respect of Gratuity, Encashment of Earned Leave Salary, commuted value of pension and monthly pension with arrears from the date of retirement i.e., on 31.05.2022 to him as per wage revision settlement dated 24.08.2022 together with interest at the rate of 6% per annum for the differential payment to be computed from the date of his retirement till the date of payment within a time frame fixed by this Court.

For Petitioner : Mr.A.Rahul

For R1 : Mr.N.Ramesh Arumugam
Government Advocate

For R2 & R3 : Mr.K.Ramaiah
Standing Counsel for R2 and R3

For R4 : Mr.S.C.Heroldsing
Standing Counsel for R4

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the first respondent, Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents 2 and 3 and Mr.S.C.Heroldsing, learned standing counsel appearing for the fourth respondent.



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2. The petitioner, who retired as a Special Grade Conductor in the respondent Corporation has filed this petition seeking to direct the respondents to pay the difference amounts in respect of Gratuity, Encashment of Earned Leave Salary, commuted value of pension and monthly pension with arrears from the date of his retirement i.e., on 31.05.2022 as per wage revision settlement dated 24.08.2022 together with interest at the rate of 6% per annum.

3. The issue on hand is no longer a *res-integra*. This Court has already dealt with a similar issue in ***W.P.No.8910 of 2024 etc., batch, dated 25.06.2024 (A.Krishnan and 1.The Additional Chief Secretary to Government of Tamil Nadu and others)***. Similarly placed persons have already approached this Court through the above petitions and got favourable orders in their favour, wherein, it is held as follows :

"8. Once a particular decision for revising the wages is taken and evolved into an agreement between the parties including the State, as such granting the benefits retrospectively, then at the time of implementing the same, it cannot make any partial denial by passing orders to restrict the benefits. A Government letter cannot over rule the extant rules, when the rules say that the employees



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are entitled to the benefits immediately after retirement. Hence, without any doubt and in view of the settled legal position, the employees who worked in the Transport Corporation and have retired between 01.09.2019 and 31.07.2022 are entitled to receive the revised monetary benefits from the date on which the revised monetary benefits were agreed under the 14th wage revision settlement.

9. As the pension has also been revised under the terms of the 14th wage revision settlement and Rule 15 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules, the last drawn basic salary shall be the salary to be taken for calculating pensions. As the last drawn salary has been revised in terms of the 14th wage revision settlement, the impugned letter cannot restrict the benefits. The respondents are directed to revise the monetary benefits and the difference in the revised pension which is payable from the date on which the revised monetary benefits were given to the working employees under the 14th wage revision settlement.

*10. Accordingly, these Writ Petitions are **allowed** to the extent indicated above by quashing the impugned letter, dated 17.02.2023 and the respondent Corporation is directed to pay the difference in the benefits in respect of Gratuity and Encashment of Leave salary, commuted value of pension and monthly pension with arrears from the date of retirement, as per wage settlement, dated 24.08.2022 along with dearness allowance. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondent Corporation has to make out the differential payment with interest at the rate of 6% per annum to be computed from the date of the petitioners' retirement till the date of payment. No costs. Consequently, connected Miscellaneous Petitions are closed."*



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4. The petitioner who worked in respondent Corporation has retired from service on 31.05.2022. Therefore, the petitioner as a similarly placed person is entitled to be granted with the same relief as granted in the above writ petition.

5. In view of the above stated reasons, the Writ Petition is **allowed** to a certain extent and the respondent Corporation is directed to pay the difference in the benefits in respect of gratuity, encashment of leave salary, commuted value of pension and monthly pension with arrears from the date of retirement, 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 respondent Corporation has to make out 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.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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To
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1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai – 09.



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R.N.MANJULA, J.

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