



W.P.(MD)No.18240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18240 of 2024 &
W.M.P.(MD)No.15524 of 2024

R.Shanmugasundaram

... 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,
No.27, Railway Station New Road,
Kumbakonam.

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

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

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Government letter issued by the first respondent in Ref.No.2048/E1/2022-2 Transport (E1) Department, dated 17.02.2023 quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to the second respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity, Leave Salary based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14th wage revision settlement signed under Section 12(3) of the Industrial Disputes Act, dated 24.08.2022 and consequently direct the respondents to pay the petitioner difference amounts in gratuity, leave salary, commuted value of pension and revised pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport Corporation based on such wages payable to him as on the date of his retirement that is as on 31.05.2022 in terms of the above settlement along with interest at the rate of 6% per annum within a time frame fixed by this Court.

For Petitioner : Mr.A.Rahul

For R1 : Mr.J.Ashok
Additional Government Pleader



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For R2 & R3 : Mr.K.Jagadees Balan
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.J.Ashok, learned Additional Government Pleader appearing for the first respondent, Mr.K.Jagadees Balan, learned Standing Counsel appearing for the respondents 2 and 3 and Mr.S.C.Heroldsing, learned counsel appearing for the fourth respondent.

2. The petitioner, who retired as a Selection Grade Driver in the respondent Corporation has filed this writ petition seeking to quash the Government letter issued by the first respondent in Ref.No. 2048/E1/2022-2 Transport (E1) Department, dated 17.02.2023 which deprives his right for re-fixation of terminal benefits including gratuity, leave salary, commuted value of pension based on the revised salary which was vested on him under the 14th Wage Revision Settlement.



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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 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



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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."*

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 by quashing the impugned Government letter



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issued by the first respondent in Ref.No.2048/E1/2022-2 Transport (E1) Department, dated 17.02.2023 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 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 petitioner's retirement till the date of payment. No costs. Consequently, connected Miscellaneous Petition is closed.

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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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