



W.P.(MD)No.17717 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17717 of 2024

M.Bethanasamy

... Petitioner

VS.

The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. By its General Manager,
Dindigul.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to revise re-fix the scale of pay of the petitioner w.e.f. 01.09.19 to till his retirement based on the wage settlement dated 24.08.22 and consequently to pay him difference arrears of wages for the period from 01.09.19 to 31.07.22 and also terminal benefits namely Gratuity and Encashment of Leave after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement together with 18 percentage interest per annum within a time frame as may be fixed by this Court.



W.P.(MD)No.17717 of 2024

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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.S.C.Herold Singh

ORDER

Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.S.C.Herold Singh, learned Counsel appearing for respondent.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus, directing the respondent to revise re-fix the scale of pay of the petitioner w.e.f. 01.09.19 till his retirement based on the wage settlement dated 24.08.22 and consequently to pay him the difference in arrears of wages for the period from 01.09.19 to 31.07.22 and also terminal benefits namely Gratuity and Encashment of Leave after revising the same based on such re-fixed scale of pay payable to him during the month of his retirement together with 18 percentage interest per annum within a time frame as may be fixed by this Court.



W.P.(MD)No.17717 of 2024

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3. The petitioner was appointed as a Junior Tradesman in the respondent Corporation on 26.02.1988 and after getting promotion to various stages, he was finally holding the post of Senior Grade Tradesman and retired on 31.07.2022.

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.

5. This stand of the petitioner cannot be disputed. I therefore, direct the 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



W.P.(MD)No.17717 of 2024

of six (6) months from the date of receipt of a copy of this order. The 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.

31.07.2024

(1/4)

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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W.P.(MD)No.17717 of 2024

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W.P.(MD)No.17717 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.17717 of 2024
(1/4)

31.07.2024