



W.P.(MD)No.18129 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.18129 of 2024

S.Sekhar

... 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 first 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 in arrears of wages for the period from 01.09.2019 to 30.06.2022 and also the difference in petitioner's terminal benefits namely gratuity, Encashment of Leave, Pension 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 percentage interest per annum within a time frame.

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

### **ORDER**

The petitioner has filed this writ petition seeking to direct the first respondent to disburse his difference / arrears of wages in his terminal benefits namely gratuity, encashment of Leave, pension arrears and to revise his pension on the basis of 12(3) settlement dated 24.08.2022 along with interest.

2. The petitioner who was appointed as a Conductor in the respondent Corporation on 01.12.1994 has retired from service on



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3. 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.

4. This stand of the petitioner cannot be disputed. I therefore, direct the first respondent to pay arrears of wages and differential benefits in respect of Gratuity, Encashment of Leave and pension 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 have to make the differential payment with interest at the rate of 6% per annum to be computed from the date of wage settlement till the date of actual payment.



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5. 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.

*mbi*

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