



W.P.(MD).No.31070 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31070 of 2023

P.Janarthanan

... Petitioner

Vs.

1.The Management of Tamil Nadu
State Express Transport
Corporation Ltd.,
Rep. by its General Manager,
Pallavan Salai, Chennai-2.

2.The Administrator,
Tamil Nadu State Transport Corporation
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 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, Encashment of



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Leave, 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% interest per annum and further directing the respondents to revise the petitioner's pension with effect from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September, 2019 and pension commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan
For R-1 : Mr.K.Senthil Kumar,
Standing Counsel
For R-2 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The present writ petition has been filed seeking 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 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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Encashment of Leave, 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% interest per annum and further directing the respondents to revise the petitioner's pension with effect from September, 2019 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner arrears of pension for the period from September, 2019 and pension commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

2. The petitioner retired as Selection Grade Senior Tradesman in the respondent corporation. He reached the age of superannuation on 31.05.2022.

3. Heard the learned counsel on either side.

4. Subsequently, 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



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said settlement dated 24.08.2022. But his terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also interest thereon.

5. This stand of the petitioner cannot be disputed. I therefore, direct the respondent Corporation to pay difference amount of salary from 01.09.2019 to 31.05.2022. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondents have to make the differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment.

6. This Writ Petition stands disposed of, accordingly. There shall be no order as to costs.

23.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

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