



WP No. 85 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

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THE HONOURABLE MRS JUSTICE N. MALA

W.P. No. 85 of 2022

T.Murthy

..Petitioner

Vs

1. The Management of Tamil Nadu
State Transport Corporation (Villupuram) Ltd,

Rep by its Managing Director, Villupuram.

2. The General Manager
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd,
Cuddalore Region, Cuddalore.

..Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the respondents to pay the petitioners difference in gratuity of Rs. 43,800/- difference in leave salary of Rs. 38,651/- and PRBS amount of Rs. 13 400/- as per the wage revision Settlement under Section 12(3) of the I. D. Act dated 4.1.2018 with interest at the rate of 6 percent per annum payable from 1.6.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner: Mr. A.Rahul

For Respondents: Mr.M.Aswin Standing Counsel



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ORDER

The prayer in the writ petition is to direct the respondents to pay the petitioner's difference in pay, gratuity, leave salary, and PRBS amount as per the revision of pay under Section 12(3) of the Industrial Disputes Act, dated 04.01.2018, along with interest.

2. The petitioner retired from service on 31.05.2017, in the post of Senior Assistant. In view of the settlement under Section 12(3) of the Industrial Disputes Act, entered into between the 1st respondent (Management) and Trade Unions on 04.01.2018, the pay of all Transport Corporation employees was revised retrospectively with effect from 01.09.2016. According to the petitioner since he retired on 31.05.2017, the said revision of pay was applicable to him, and therefore, he was entitled to receive the difference in retirement benefits, such as gratuity, leave salary, etc. However, since the said difference amounts were not disbursed to the petitioner, he submitted a representation to the respondents on 22.09.2021. The respondents received the representation, but took no action. Hence, the petitioner has filed the present writ petition.



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3. The learned counsel for the petitioner submitted that due to revision of pay, the petitioner was entitled to receive difference amount of Rs. 34,800/- towards gratuity, (ii) a sum of Rs.38,651/- towards Leave Salary and (iii) a sum of Rs.13,400/- towards PRBS amount. In total, the respondents were liable to pay a sum of Rs.95,851/- to the petitioner. The learned counsel for the petitioner produced a copy of an order of this Court in W.P.No. 86 of 2022 dated 02.04.2024, filed by similarly placed persons for identical relief. The said writ petition was disposed of by this Court, directing the respondents to pay the difference amount along with interest within a period of eight weeks. The operative portion of the said order is extracted below:

“i) The respondents shall pay the benefits as prayed to the petitioner, if he is eligible as per the Rules, within a period of eight (8) weeks from the date of receipt of a copy of this order, with interest at the rate of 6% per annum from the dates on which the amounts became due till the date of disbursement.

ii) If the amount is not paid within a period of eight (8) weeks, thereafter, the same shall carry interest at the rate of 12% per annum from the dates on which the amounts became due till the date of disbursement.



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By relying on the aforesaid order of this Court, the learned counsel for the petitioner prayed for a direction to the respondents to disburse the difference amount of the petitioner's retirement benefits within a time frame.

4. As the petitioner's case is covered by the order of this Court in W.P.No. 86 of 2022, dated 02.04.2024, I am of the view that the petitioner is entitled to the relief prayed for. Accordingly, the respondents are directed to disburse the difference amount claimed by the petitioner, if he is eligible as per rules. The amounts shall be disbursed within eight (8) weeks from the date of receipt of a copy of this order along with 6% interest from the date they became due till the date of disbursement. If the respondents fail to pay within the stipulated period, interest shall be paid at 12% from the date the amounts became due till the date of disbursement.

5. With the above directions, the writ petition is allowed. No costs.

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Index : Yes
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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd,
Villupuram.

2. The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd,
Cuddalore Region, Cuddalore.



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N. MALA, J.

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