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W.P.No.3974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3974 of 2024

A.Nazeer

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Transport Department,
Rep.by its Additional Chief Secretary,
Fort St.George,
Chennai-600 009.
- 2.Tamil Nadu State Transport Corporation (Kovai) Limited,
Rep.by its the Managing Director,
No.37, Mettupalayam Road,
Coimbatore-641 043.
- 3.Tamil Nadu State Transport Corporation,
Employees' Pension Trust,
Rep.by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Government Letter No.2048/E1/2022-2 dated



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17.02.2023, issued by the first respondent, quash the same insofar restricting the payment of revised pension only from the date of the letter and not granting it from the date of his retirement and consequently, direct the respondents 2 and 3 to notionally revise his pay with effect from 01.09.2019 to 30.06.2021 as per 12(3) settlement dated 24.08.2022 and to grant him 4th review with effect from 01.05.2021 and to pay him the difference in gratuity, earned leave salary and provident fund and monthly revised pension from 01.07.2021, based on the revised salary payable to the petitioner as on 30.06.2021, with 12% interest, award costs.

For Petitioner : Ms.G.K.Dharshini
for Mr.V.Ajoy Khose

For Respondents : Mr.R.U.Dinesh Rajkumar
for R1
Mr.A.Vinoth Raj
for R2 and R3

ORDER

This Writ Petition has been filed challenging the Government Letter No.2048/E1/2022-2 dated 17.02.2023, issued by the first respondent, insofar restricting the payment of revised pension only from the date of the letter and not granting it from the date of his retirement is concerned and for a consequential direction to the respondents 2 and 3 to notionally revise his pay with effect from 01.09.2019 to 30.06.2021 as per 12(3) settlement dated



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24.08.2022 and grant him 4th review with effect from 01.05.2021 and pay him the difference in gratuity, earned leave salary and provident fund and monthly revised pension from 01.07.2021, based on the revised salary payable to the petitioner as on 30.06.2021, with 12% interest.

2. The petitioner joined the services in the second respondent Corporation as Conductor on 17.11.1992. During the period of his service, he enjoyed several promotions and he ultimately retired from service on 30.06.2021 invoking voluntary retirement scheme. The grievance of the petitioner is that the respondents have not implemented 12(3) settlement arrived at by the Management on 24.08.2022. According to the petitioner, the respondents 2 and 3 are not given the notional revision pay with effect from 01.09.2019 to 30.06.2021 and the respondents also not granted the 4th review benefit with effect from 01.05.2021. It is the grievance of the petitioner that the difference in gratuity, earned leave salary and provident fund and monthly revised pension was not revised from 01.07.2021, based on the revised salary payable to him as on 30.06.2021 with 12% interest.



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3. The Additional Chief Secretary to Government, Transport Department, has sent a letter dated 17.02.2023 to the Administrator. The said letter is put in challenge in this writ petition. As per the said letter, the revised pension shall be disbursed prospectively even though the last pay drawn of the erstwhile Transport employees who retired between 01.09.2019 and 31.07.2022 have undergone revision due to implementation of 14th Wage Settlement signed on 24.08.2022 with notional effect from 01.09.2019.

4. The respondents have filed a counter affidavit. However, none of the major averments raised by the petitioner in the affidavit has been met. According to the petitioner, he participated in strike that happened in June 2018 for 6 days. Therefore, his entitlement towards 4th review benefits was kept in abeyance as punishment. According to the petitioner, in 12(3) settlement arrived at between the parties on 24.08.2022, the said strike period was treated as duty period and therefore, the bar on the petitioner seeking 4th review benefit has been cleared. However, this specific contention has never been met by the respondents in the counter affidavit.



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Though the second respondent has specifically mentioned in 12(3) Wage Settlement dated 24.08.2022, conveniently this aspect of treating the strike period as duty period was not met.

5. This Court has perused 12(3) settlement arrived at between the parties. It is specifically agreed by both sides that strike period would be treated as duty period and any action taken against the employees in the said strike would be dropped. Since 6 days strike period has been treated as duty period, the petitioner is right in his contention that he has become entitled for 4th review benefit.

6. Likewise, the respondents are not whispered or negatived any of the averments made in the petition with regard to notional revision of his pay with effect from 01.09.2019 to 30.06.2021.

7. Therefore, this Court is of the view that the petitioner is entitled to succeed in the writ petition and accordingly, the following directions are issued:-



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(i) the respondents 2 and 3 are directed to notionally revise the petitioner's pay with effect from 01.09.2019 to 30.06.2021, as per 12(3) Settlement dated 24.08.2022;

(ii) the respondents 2 and 3 are directed to grant the petitioner's 4th review benefit with effect from 01.05.2021 and pay him the difference of gratuity, earned leave salary and provident fund based on the revised salary payable to the petitioner as on 30.06.2021, however, without interest.

8. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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M.DHANDAPANI, J.

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