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W.P.No.34277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.09.2025

Coram:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.34277 of 2025

M.A.Jagadeesan

.. Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director,
Erode.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2016 to 31.05.2017 and also terminal benefits, namely Gratuity and Encashment of Leave, after revising the same based on the scale of pay payable to him on the month of his retirement, as admitted by the respondent in the RTI information, dated 05.07.2025, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For petitioner : Mr.V.Ajoy Khose

For respondents: Mr.M.Murali Vinodh, Standing Counsel

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ORDER

The petitioner has filed the present Writ Petition seeking to issue a Writ of Mandamus to direct the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2016 to 31.05.2017 and also terminal benefits, namely Gratuity and Encashment of Leave, after revising the same based on the scale of pay payable to him on the month of his retirement, as admitted by the respondent in the RTI information, dated 05.07.2025, together with 18% interest per annum, within a time frame as may be fixed by this Court.

2. The petitioner was appointed/working as Conductor in the respondent/Corporation from 10.06.1987. After completion of 30 years of service and finally working as Selection Grade Conductor with staff No.J05901 in the respondent/Corporation, he retired from service on 31.05.2017 upon attaining the superannuation. After several months of delay, the respondent settled the terminal benefits partially and till this date, the respondent is yet to correctly settle those benefits. The conditions of service, including the wages/scale of pay of the workmen of all the State Transport Corporations, including the respondent/Corporation, are determined by periodical settlements, which were made under Section 12(3) of the Industrial Disputes Act, and while the petitioner was in the verge of his service in the respondent/Corporation, a new wage



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settlement was to be arrived at. However, there was delay in arriving at the settlement and in the meantime, the petitioner retired from service on 31.05.2017 before the new settlement was arrived at. Thereafter, a new wage settlement dated 04.01.2018 had been arrived at between the Management of all the State Transport Corporations including the respondent/Corporation and the Trade Unions and the same was given retrospective effect from 01.09.2016. Though the petitioner retired before the settlement, he is entitled to get the benefits of the same, in view of the fact that the settlement was given retrospective effect. However, the petitioner is not given the benefit of the same. As per the new settlement, the petitioner's scale of pay is required to be re-fixed with effect from 01.09.2016 to the month of his retirement, i.e. May 2017. The respondent is therefore bound to pay the petitioner the arrears of wages for the period from 01.09.2016 to 31.05.2017.

3. In the above context, the petitioner sought certain information from the respondent under the Right to Information Act. The respondent furnished the information dated 05.07.2025, wherein the respondent admitted that the petitioner's scale of pay is revised/re-fixed with effect from 01.09.2016 by fixing Rs.42,000/- as his basic pay. Some of the terminal benefits of the workmen, namely gratuity, encashment of leave, etc., are calculated based on the wages payable to him on the month of his retirement. Accordingly, the revised monthly



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wages payable to the petitioner on the month of his retirement, i.e. May 2017, should be taken into account and based on the same, the terminal benefits are required to be revised by the respondent and the respondent is bound to pay the difference of the same to the petitioner. But till this date, the respondent has not revised the same and had not paid the above said difference of the same to the petitioner. Thereafter, the petitioner sent a representation, dated 02.07.2025 to the respondent, which evoked no response. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, a direction is issued to the respondent to determine the eligible benefits payable to the petitioner and after determining that particular amount, to pay the same to the petitioner together with interest @ 6% per annum from the date on which the petitioner had retired from service, till the date of actual disbursement of the amounts.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director, Erode.

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A.D.JAGADISH CHANDIRA, J

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