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W.P.No.34281 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.34281 of 2025

P.Subramanian

.. 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 21.06.2025, 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

Page No.1/6



W.P.No.34281 of 2025

WEB COPY

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 21.06.2025, together with 18% interest per annum, within a time frame as may be fixed by this Court.

2. The petitioner was appointed/working as Driver in the respondent-Corporation from 12.06.1992. After completion of 25 years of service and finally working as Special Grade Driver with Staff No.92DR2J09302 in the respondent-Corporation, the petitioner retired from service on 31.05.2017 on reaching the age of superannuation. After having delayed for several months, the respondent has settled his terminal benefits, but till this date, the respondent has not yet correctly settled 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, a new wage



W.P.No.34281 of 2025

settlement was arrived at, but there was delay in arriving at the settlement.

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Thus, the petitioner retired from service from 31.05.2017 before new settlement is arrived at. Thereafter, new wage settlement dated 04.01.2018 is arrived at between the Managements of all the State Transport Corporations, including the respondent-Corporation and the trade unions and the same was also 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. But, the petitioner has not yet been given the benefits of the same. As per the new settlement, his 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 and hence, the respondent is bound to pay the petitioner the arrears of wages for the period from 01.09.2016 to 31.05.2017. In this regard, the petitioner sought certain information from the respondent under RTI Act and the respondent furnished the information dated 21.06.2025 wherein the respondent admitted that his scale of pay is revised/re-fixed with effect from 01.09.2016 by fixing Rs.34,200/- as his basic pay. Some of the terminal benefits of the workmen, namely gratuity, encashment of leave are calculated based on the wages payable to him on the month of his retirement and hence, the revised monthly 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, his terminal benefits

Page No.3/6



W.P.No.34281 of 2025

are required to be revised by the respondent. Accordingly, the respondent has to pay the difference of the same. 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. The petitioner sent a representation dated 02.07.2025 to the respondent, but the respondent did not come forward to pay the above said benefits. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

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

4. 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.

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

10.09.2025

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Page No.4/6



W.P.No.34281 of 2025

WEB COPY To

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

Page No.5/6



WEB COPY



W.P.No.34281 of 2025

A.D.JAGADISH CHANDIRA, J

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W.P.No.34281 of 2025

10.09.2025

Page No.6/6