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W.P.No.48704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM:
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.48704 of 2025

Velayutham

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Ramakrishna Road, Salem.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Ramakrishna Road, Salem.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 28.10.2025 vide No.E6/0634/TNSTC(Salem)/2025 passed by the second respondent and quash the same and consequently direct the respondents to pay the differential amount of salary, terminal benefits viz., Gratuity and Provident Fund with interest @ 6% p.a. based on the 12(3) Settlement dated 24.08.2022 and also revise the pension based and pay the arrears of

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differential amount of pension from the date of retirement i.e., 20.09.2020 to till today to the petitioner.

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For Petitioner : Mr.D.Venkatachalam

For Respondents 1 & 2 : Mr.K.Raja,
Standing Counsel

For Respondent 3 : Mr.C.S.K.Sathish

ORDER

This writ petition is filed to call for the records pertaining to the impugned order dated 28.10.2025 vide No.E6/0634/TNSTC(Salem)/2025 passed by the second respondent and quash the same and consequently direct the respondents to pay the differential amount of salary, terminal benefits viz., Gratuity and provident Fund with interest @ 6% p.a. based on the 12(3) Settlement dated 24.08.2022 and also revise the pension based and pay the arrears of differential amount of pension from the date of retirement i.e., 20.09.2020 to till today to the petitioner.

2. The case of the petitioner is that the petitioner retired from the respondent Corporation under the Voluntary retirement scheme on 20.09.2020 and terminal benefits were paid to him based on their last drawn wages. Subsequently, the respondent Corporation entered into a settlement under Section 12(3) of the Industrial Disputes Act, 1947,



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which contains about terminal benefits with effect from 01.09.2019.

Therefore, claiming difference in wages and terminal benefits along with interest, petitioner has sent a representation to the respondent Corporation dated 20.06.2025. However, the same was not considered. Hence, he filed a writ petition in W.P.No.27945 of 2025 and this Court vide its order dated 30.07.2025 directed the respondents to consider the same and pass appropriate orders. However, without proper reason, the second respondent rejected the petitioner's representation by order dated 28.10.2025. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that as per 14th Wage Settlement under Section 12(3) of the Industrial Disputes Act, 1947 the employees who are permanent as on 01.09.2019 are entitled for revision of basic pay by enhancing 5% in pay matrix. However, the due of the monetary benefit will be settled from 01.01.2022 and in between, interim amount of compensation awarded will be deducted at the time of final payment. However, contrary to the 14th Wage Settlement, the petitioner's claim was rejected on the ground that the petitioner retired in 2020 and hence, he is not entitled, which is contrary to the clauses 14th wage settlement. Accordingly, he prays for allowing of this writ petition.

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4. Per contra, learned standing counsel appearing for the respondents 1 & 2 submitted that though the 14th wage settlement was entered on 01.09.2019, the monetary benefits will be disbursed only from 01.01.2022. On the date of 01.01.2022, the petitioner was not in the service. Hence, he is not entitled to claim revision of pay under 14th Wage Settlement dated 01.09.2019. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. Admittedly, the petitioner entered into the respondent Corporation in the year 1989 as a Conductor and he voluntarily retired from service on 20.09.2020. Prior to the retirement, there was a 14th Wage Settlement under Section 12(3) of the Industrial Disputes Act, 1947. On perusal of the said wage settlement, the employees who are permanent as on 01.09.2019 are entitled for revision of pay i.e., enhancement of 5%. Admittedly, the petitioner was a permanent employee as on 01.09.2019 and subsequently, he retired under voluntary retirement scheme on 20.09.2020. He was also



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paid interim compensation from 01.09.2019 till 25.05.2021. However, the petitioner is entitled for revision pay enhancement of 5% and the balance amount to be settled, calculating from 01.01.2022. So, in view of the above settlement, the petitioner is entitled for the 14th wage revision. Hence, there shall be a direction to the respondents to settle the revised pension to the petitioner within a period of six weeks from the date of receipt of a copy of this order, as per the 14th wage settlement, without interest.

With the aforesaid observation and direction, this writ petition stands disposed of. No costs.

17.12.2025

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order

To

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M.DHANDAPANI, J.

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