

W.P.(MD)No.4374 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4374 of 2025

M.Silamburaj

... Petitioner

Vs.

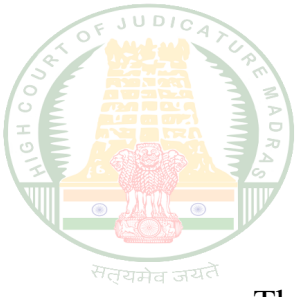
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Rep.by its General Manager,
Karaikudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revise/re-fix the scale of pay of the petitioner with effect from 01.09.2019 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference/arrears of wages for the period from 01.09.2019 to 28.02.2020 and also terminal benefits namely gratuity and encashment of leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Ramaiah
Standing Counsel



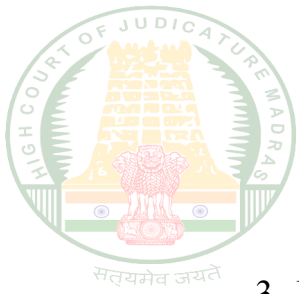
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ORDER

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This writ petition has been filed seeking a writ of Mandamus directing the respondent to revise/re-fix the scale of pay of the petitioner with effect from 01.09.2019 to till his retirement, based on the wage settlement, dated 24.08.2022 and consequently to pay him difference/arrears of wages for the period from 01.09.2019 to 28.02.2020 and also terminal benefits namely gratuity and encashment of leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum.

2. The petitioner was retired from service on 29.02.2020 as Foreman. Subsequent to the petitioner's retirement, settlement was entered between the union and the management on 24.08.2022. However, it was made applicable with effect from 01.09.2019. Therefore, the petitioner is entitled to the said benefit under the settlement, dated 24.08.2022, but the terminal benefits was settled without reference to the terms of the settlement. Requesting the respondents to extend the said benefit, the petitioner submitted a representation on 03.01.2025. Aggrieved by the inaction of the respondents in considering the representation to settle the benefits as per the settlement dated 24.08.2022, the present writ petition has been filed.



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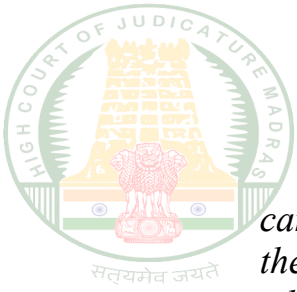
3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. On perusal of the facts and circumstances of the case, in our considered view, the issue involved in the writ petition is no longer *res-integra*.

5. The issue involved in the present writ petition has been dealt with by this Court in W.P(MD)No.8910 of 2024 etc., batch. The relevant portion of the said order is extracted herein under:

“8. Once a particular decision for revising the wages is taken and evolved into an agreement between the parties including the State, as such granting the benefits retrospectively, then at the time of implementing the same, it cannot make any partial denial by passing orders to restrict the benefits. A Government letter cannot over rule the extant rules, when the rules say that the employees are entitled to the benefits immediately after retirement. Hence, without any doubt and in view of the settled legal position, the employees who worked in the Transport Corporation and have retired between 01.09.2019 and 31.07.2022 are entitled to receive the revised monetary benefits from the date on which the revised monetary benefits were agreed under the 14th wage revision settlement.

9. As the pension has also been revised under the terms of the 14th wage revision settlement and Rule 15 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules, the last drawn basic salary shall be the salary to be taken for calculating pensions. As the last drawn salary has been revised in terms of the 14th wage revision settlement, the impugned letter



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cannot restrict the benefits. The respondents are directed to revise the monetary benefits and the difference in the revised pension which is payable from the date on which the revised monetary benefits were given to the working employees under the 14th wage revision settlement.”

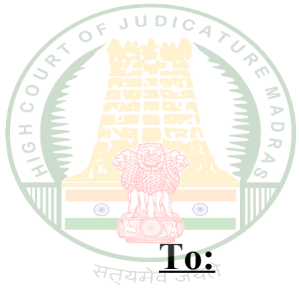
6. As the facts are not disputed by the respondents, this Court by following the above order stated supra is inclined to allow the writ petition. Accordingly, the writ petition is allowed with the following direction:

The respondents are directed to pay the difference amounts of the benefits for which the petitioner is legally entitled to as per the 14th wage revision settlement, dated 24.08.2022 with 6% interest per annum to be computed from the date of petitioner's retirement i.e., 31.12.2019 till the date of actual payment within a period of 6 weeks from the date of receipt of a copy of this order.

7. No costs.

19.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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To:

The General Manager,
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.



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BATTU DEVANAND, J.

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