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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5791 of 2025

G.Manickam ... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Rep. by its General Manager,
Trichy. ... 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 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and consequently to pay him difference/arrears of 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.

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For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.Jagadeesh Balan
Standing Counsel

O R D E R

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

2. The petitioner was appointed as Conductor in the respondent Corporation on 15.03.1991. After completion of 26 years of service, he retired from service as Conductor on 31.05.2017 on attaining the age of superannuation. At the verge of his service, the respondent entered into the agreement with the union for new wage settlement. Before new wage settlement, the petitioner retired from service. The 13th wage settlement entered on 04.01.2018 between the management of State Transport Corporation and the union. The wage settlement dated 04.01.2018 was given effect from 01.09.2016. But the benefits of arrears of wages payable was restricted from 01.09.2017. The stand of the petitioner is that though he was retired from service 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 benefits of the settlement

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dated 04.01.2015, has not been extended to the petitioner. Requesting to extend the benefits of the wage settlement, dated 04.01.2018, the petitioner submitted a representation on 10.02.2025 to the respondent, but the respondent did not consider the same. Against the inaction of the respondent in considering the representation, the petitioner has filed the present writ petition.

3. In fact, the issue raised in the present writ petition is no longer *res-integra*. While dealing with the identical matters with respect to the 14th wage settlement, dated 24.08.2022, this Court passed several orders directing the respondents to extend the benefits of the wage settlement to the employees retrospectively.

4. While dealing with the identical issue, this Court in W.P(MD)No.8910 of 2024 etc., batch held that the employees are entitled for the benefits of the wage settlement retrospectively. 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,*

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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 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."

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5. For the aforesaid reasons, this writ petition is allowed with the following direction:

> The respondent is directed to pay the difference amounts of the benefits for which the petitioner is legally entitled to as per the 13th wage revision settlement, dated 04.01.2018 with 6% interest per annum to be computed from the date of petitioner's retirement i.e., 31.05.2017 till the date of actual payment within a period of 6 weeks from the date of receipt of a copy of this order.

6. No costs.

04.03.2025
(10/11)

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn

To:

The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.

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BATTU DEVANAND, J.

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