

W.P.(MD)No.7459 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7459 of 2025

M.Malar

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation (TNV) Ltd.,
Nagercoil Region,
Ranithottam, Kanniyakumari.

2.The Administrator,
Tamilnadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's husband retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 19.12.2021 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12 (3) of ID Act, 1947 with effect from 01.09.2019, payable to the petitioner with 18% interest within the time that may be stipulated by this Court.



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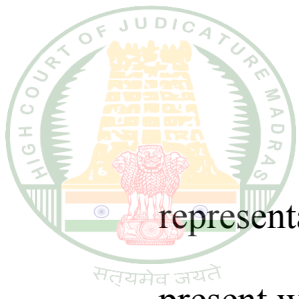
W.P.(MD)No.7459 of 2025

For Petitioner : Mr.G.M.Xavier
For R1 : Mr.K.Ramaiah
Standing Counsel
For R2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition has been filed seeking a writ of Mandamus directing the respondents to settle the petitioner's husband retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 19.12.2021 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12 (3) of ID Act, 1947 with effect from 01.09.2019.

2. The petitioner's husband was died on 19.12.2021 while in service. Subsequent to the petitioner's husband death, 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's husband 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 27.01.2025. Aggrieved by the inaction of the respondents in considering the



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representation to settle the benefits as per the settlement dated 24.08.2022, the present writ petition has been filed.

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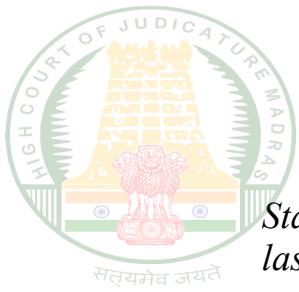
3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

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



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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.”

6. As the facts are not disputed by the respondents, this Court by following the order stated supra is inclined to allow the writ petition.

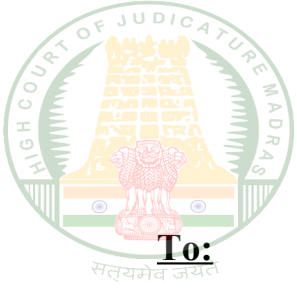
Accordingly, the writ petition is allowed with the following direction:

The respondents are directed to pay the difference amounts of the benefits for which the petitioner's husband 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 husband death i.e., 19.12.2021 till the date of actual payment within a period of 4 weeks from the date of receipt of a copy of this order.

7. No costs.

19.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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