BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

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**THE HONOURABLE MR.JUSTICE BATTU DEVANAND**

**W.P.(MD)No.7981 of 2025**

S.Ponnambalamthiyagarajan ... Petitioner

Vs.

1. The Additional Chief Secretary to Government of Tamil Nadu,
   Transport Department, Secretariat,
   Chennai - 09.

2. The Tamil Nadu State Transport Corporation (Madurai) Ltd,
   Represented by its Managing Director,
   Madurai.

3. The General Manager,
   The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
   Madurai Region,
   Madurai.

4. The Administrator,
   The Tamil Nadu Transport Corporation
   Employees Pension Fund Trust,
   Thiruvalluvar Illam,
   Pallavan Salai,
   Chennai - 02

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the difference amounts in the benefits in respect of Gratuity, Encashment of Earned Leave salary, Commuted value of pension and monthly pension along with Dearness Allowance and with arrears from the date of retirement i.e 31.03.2020 to the petitioner as per the 14th Wage Revision Settlement dated 24.08.2022 together with interest at 6% per annum for the differential payment to be computed from the date of his retirement till the date of payment within a time frame as may be fixed by this Court.

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| For Petitioner | : | Mr.A.Rahul |
| For Respondent 1 | : | M/s.P.Subbaraj,<br>Special Government Pleader |
| For Respondent 2 &3 | : | Mr.S.Gladson Michael Rajadurai<br>Standing Counsel |
| For Respondent 4 | : | M/s.S.C.Herold Singh<br>Standing Counsel |

**ORDER**

This writ petition has been filed seeking a Writ of Mandamus directing the respondents to pay the difference amounts in the benefits in respect of Gratuity, encashment of Earned Leave Salary, Commuted Value of Pension and monthly pension along with dearness allowance and with arrears from the date of retirement i.e., 31.03.2020 as per the 14th wage revision settlement dated 24.08.2022 together with interest at 6% per annum.

2. The petitioner was retired from service on 31.03.2020 as Conductor. 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 benefits 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 benefits, the petitioner submitted a representation on 02.01.2025. 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.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent, learned Standing Counsel for the respondents 2 and 3 and the learned counsel for the fourth respondent.

4. On perusal of the facts and circumstances of the case, in our considered view that 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 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.,31.03.2020 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.

**21.03.2025**

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

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**To :**

1. The Additional Chief Secretary to Government of Tamil Nadu,
   Transport Department, Secretariat,
   Chennai - 09.

2. The Tamil Nadu State Transport Corporation (Madurai) Ltd,
   Represented by its Managing Director,
   Madurai.

3. The General Manager,
   The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
   Madurai Region,
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