

W.P.(MD)No.8947 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8947 of 2025

N.Veeramoni

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Represented by its Managing Director,
Kattapomman Nagar,
V.M.Chathiram, Tirunelveli.

2.The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Represented by its General Manager,
Ranithottam,
Nagercoil.

3.The Administrator,
Tamil Nadu State Express Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revise petitioners scale of pay w.e.f 01.09.2016 based on the new wage settlement dated 04.01.2018 and consequently to pay the petitioner difference/arrears of



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wages for the period from 01.09.2016 to 31.07.2017 and also the difference in petitioner's terminal benefits namely Gratuity, Encashment of leave and difference/arrears of pension after revising the same based on such re-fixed scale of pay payable to petitioner on the month of petitioner's retirement together with 18% interest per annum and further directing the respondents to revise the petitioner's pension with effect from May 2017 and pension commutation, based on such re-fixed scale of pay payable to the petitioner on the month of the petitioner's retirement and to pay the petitioner's arrears of pension for the period from May 2017 and pension commutation together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugan

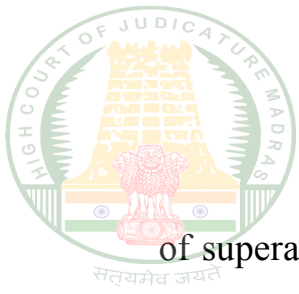
For R1 & R2 : Mr.D.Jebaraj
Standing Counsel

For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

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

2. The petitioner was appointed as Conductor in the respondent Corporation on 01.02.1984. After completion of 33 years of service, he retired from service as Senior Checking Inspector on 31.07.2017 on attaining the age



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of superannuation. At the verge of his service, the respondents 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 dated 04.01.2018 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 17.03.2025 to the respondents, but the respondents did not consider the same. Against the inaction of the respondents 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.



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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, 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



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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.”

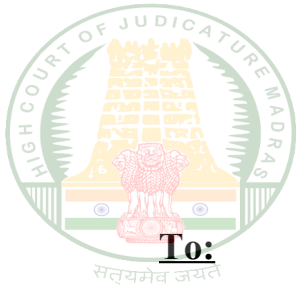
5. For the aforesaid reasons, this writ petition is allowed with the following direction:

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., 31.07.2017 till the date of actual payment within a period of weeks from the date of receipt of a copy of this order.

6. No costs.

02.04.2025

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



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To:

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- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nagar,
V.M.Chathiram,
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam,
Nagercoil.
- 3.The Administrator,
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BATTU DEVANAND, J.

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