

W.P(MD)No.11747 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.11747 of 2025

R. Nallusamy

...Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary
Transport Department
Secretariat
Chennai – 600 009.

2. The General Manager,
Tamil Nadu State Transport Corporation(Kovai) Ltd.,
Erode Region,
Erode.

3. The Branch Manager,
Tamil Nadu State Transport Corporation(Kovai) Ltd.
Erode Region,
Karur Branch,
Thirumanilayur,
Karur (Town).

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

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Mandamus, directing the respondents herein to implement the 14th Wage Settlement (பார்வை-C1/23053 of 2019), signed under Section 12(3) of the I.D. Act dated 24.08.2022, and to re-calculate the retirement benefits of the petitioner such as difference amount of Gratuity, Leave Salary, Provident Fund, Commuted Value of Pension, Revised Pension for the period from 01.09.2019 to 31.10.2020 (date of retirement) pension arrears and other retirement benefits and consequently direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6 percent per annum within the time limit stipulated by this Court.

For Petitioner	: Mr. N.Sudhagar Nagaraj
For Respondent No.1	: Mr.D. Sachi Kumar, Additional Government Pleader
For Respondent Nos.2 & 3	: Mr.Ramaiah, Standing Counsel
For Respondent No.4	: Mr. S.C.Herold Singh, Standing Counsel



W.P(MD)No.11747 of 2025

WEB COPY

ORDER

The present Writ Petition has been filed by a Special Grade Driver of the respondent Transport Corporation, seeking a Mandamus, directing the respondents herein to implement the 14th Wage Settlement (பரிசீலனை-C1/23053 of 2019), signed under Section 12(3) of the I.D. Act dated 24.08.2022, and to re-calculate the retirement benefits of the petitioner such as difference amount of Gratuity, Leave Salary, Provident Fund, Commuted Value of Pension, Revised Pension for the period from 01.09.2019 to 31.10.2020 (date of retirement) pension arrears and other retirement benefits and consequently direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum

2. The petitioner was voluntarily retired from service on 31.10.2020 as Special Grade Driver. 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.



W.P(MD)No.11747 of 2025

WEB COPY

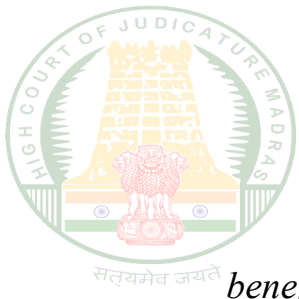
Requesting the respondents to extend the said benefit, the petitioner submitted a representation on 14.03.2025. Aggrieved by the inaction of the respondents in considering the representation to settle the benefits as per the settlement dated 24.08.2022, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner 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



W.P(MD)No.11747 of 2025

WEB COPY

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 order stated supra is inclined to allow the writ petition. Accordingly, the writ petition is allowed with the following direction:



W.P(MD)No.11747 of 2025

WEB COPY

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 voluntary retirement i.e., 31.10.2020 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

24.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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W.P(MD)No.11747 of 2025

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To

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Rep. by its Secretary
Transport Department
Secretariat
Chennai – 600 009.
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W.P(MD)No.11747 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.11747 of 2025

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