



W.P(MD)No.13168 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.13168 of 2025

K.Revathy

...Petitioner

Vs.

The Management of
State Express Transport Corporation (Tamilnadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai-2.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a Writ of Mandamus, directing the respondent to pay the petitioner difference/arrears of terminal benefits namely Gratuity and Encashment of Leave, payable for her husband/the deceased employee (late) S.Kumarasubramnainan, after revising the same based on the scale of pay payable to him, admitted by the Respondent in the RTI information dated 09.05.2023, together with 18% interest per annum.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Senthil Kumar
Standing Counsel



W.P(MD)No.13168 of 2025

ORDER

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This writ petition has been filed seeking a writ of Mandamus, directing the respondent to pay the petitioner difference/arrears of terminal benefits namely Gratuity and Encashment of Leave, payable for her husband/the deceased employee (late) S.Kumarasubramnainan, after revising the same based on the scale of pay payable to him, admitted by the Respondent in the RTI information dated 09.05.2023, together with 18% interest per annum.

2. The petitioner's husband was retired from service on 31.05.2021 as Selection Grade Senior Grade Tradesman and he died on 29.08.2024. Subsequent to his 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'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 respondent to extend the said benefit, the petitioner submitted a representation on 03.03.2025. Aggrieved by the inaction of the respondent in considering the representation to settle the benefits as per the settlement dated 24.08.2022, the present writ petition has been filed.



W.P(MD)No.13168 of 2025

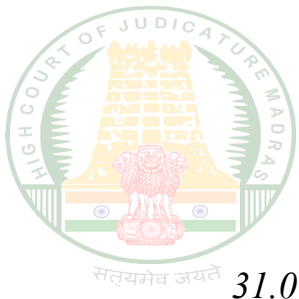
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3. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents and carefully perused the materials available on record.

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



W.P(MD)No.13168 of 2025

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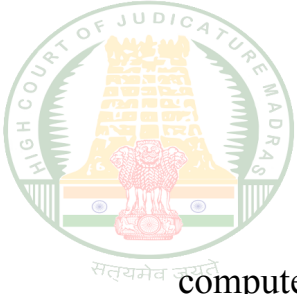
31.07.2022 are entitled to receive the revised monetary benefits from the date on which the revised monetary benefits were agreed under the 14th wage revision settlement.

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 respondent is 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



W.P(MD)No.13168 of 2025

computed from the date of petitioner's husband's retirement i.e.,31.05.2021

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.

29.04.2025

2/4

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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W.P(MD)No.13168 of 2025

BATTU DEVANAND, J.

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To,

The Management of
State Express Transport Corporation (Tamilnadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai-2.

W.P.(MD)No.13168 of 2025

29.04.2025

2/4