



W.P.(MD)No.18021 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18021 of 2025

K.Jeyalakshmi

... Petitioner

-VS-

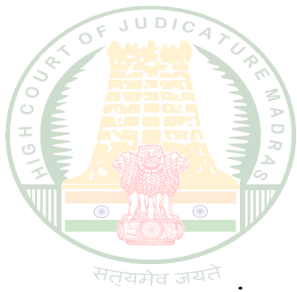
1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Karaikudi Region,
Karaikudi.

3.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, to issue a Writ of Mandamus, directing the respondents to pay the petitioner the difference amounts in the terminal benefits of her husband A.Kathiresan in respect of Gratuity, Encashment of Earned Leave Salary, Commuted Value of Pension and Monthly Pension along with Dearness Allowance on par with



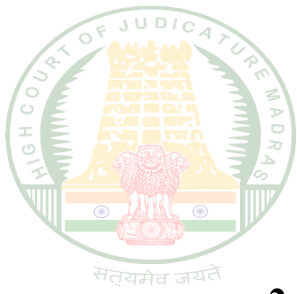
W.P.(MD)No.18021 of 2025

WEB COPY
serving employees of Transport Corporation from the date of death of her husband i.e. 20.08.2019 as per 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 death till the date of payment, within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For R1 and R2 : Mr.K.Ramaiah
Standing Counsel
For R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition has been filed seeking a Writ of Mandamus, directing the respondents to pay the petitioner the difference amounts in the terminal benefits of her husband A.Kathiresan in respect of Gratuity, Encashment of Earned Leave Salary, Commuted Value of Pension and Monthly Pension along with Dearness Allowance on par with serving employees of Transport Corporation from the date of death of her husband i.e. 20.08.2019 as per 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 death till the date of payment, within a time frame to be fixed by this Court.



W.P.(MD)No.18021 of 2025

WEB COPY

2. The petitioner's husband A.Kathiresan was working as a Driver in the respondent Corporation. While in service, he passed away on 20.08.2019. Subsequent to the petitioner's husband's death, a 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. Requesting the respondent to extend the said benefit, the petitioner submitted a representation on 31.12.2024. 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 Counsels 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*.



W.P.(MD)No.18021 of 2025

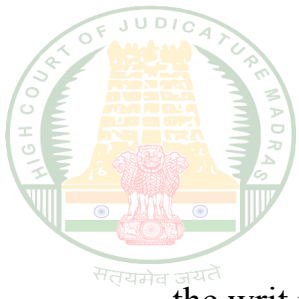
WEB COPY

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,



W.P.(MD)No.18021 of 2025

the writ petition is allowed with the following direction:-

WEB COPY

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 wage settlement, dated 24.08.2022 with 6% interest per annum to be computed from the date of the petitioner's husband's death i.e., 20.08.2019 till the date of actual payment, within a period of six weeks from the date of receipt of a copy of this order.

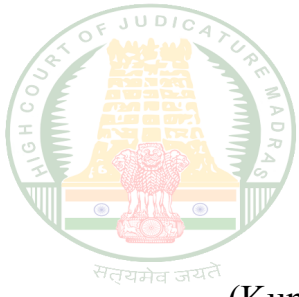
There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

03.07.2025

To:-

- 1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation



W.P.(MD)No.18021 of 2025

(Kumbakonam) Ltd., Karaikudi Region,
Karaikudi.

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



WEB COPY



W.P.(MD)No.18021 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.18021 of 2025

03.07.2025