



W.P(MD)No.23302 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23302 of 2025

P.Kamaraj

... Petitioner(s)

vs.

The Management of Tamilnadu,
State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region,
Rep. by its, General Manager,
Trichy.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to revise/re-fix the scale of pay of the petitioner w.e.f. 01.09.16 to till his retirement, based on the wage settlement dated 04.01.18 and consequently to pay him difference/ arrears of terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18 percentage interest per annum, within a time frame.



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For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.Raja, Standing Counsel

ORDER

The present writ petition has been filed for a Writ of Mandamus, directing the respondent to revise/re-fix the scale of pay of the petitioner with effect from 01.09.16 to till his retirement, based on the wage settlement dated 04.01.18 and consequently, to pay the difference/ arrears of terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on the re-fixed scale of pay applicable as on the date of his retirement, together with 18 percentage interest per annum, within a time frame.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. When the matter was taken up for hearing today, the learned counsel on both sides, submitted that a similarly placed person had earlier filed a writ petition in W.P.(MD) No.27525 of 2022 & batch and this Court, by its order dated 21.12.2022, passed the following order:



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“2. The petitioners in all these writ petitions were appointed either as a Driver or Conductor in the respondent Corporation and after completion of more than 30 years of service, they were upgraded to different posts in higher cadre. All the petitioners retired from service before the settlement under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018, giving retrospective effect from 01.09.2016. Therefore, the petitioners are entitled to the pay revision with effect from 01.09.2016. However, the benefit of the settlement, dated 04.01.2018, is not extended to the petitioner.

...

4. The other writ petitions have been filed for revising the terminal benefits in respect of Gratuity, Encashment of leave, in terms of the settlement under Section 12(3) of the Industrial Disputes Act, 1947.

...

7. Perusal of the above said settlement makes it clear that the persons who are working in the Transport Corporation as on 01.09.2016 as permanent employee, are entitled to revision of pay



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scale and the revision of pay scale includes Gratuity and encashment of leave. However, while calculating the same based on the pay revision, they were settled only with the pension and other benefits except gratuity and encashment of leave. The rejection of the petitioners' request was on the ground that the petitioners are not in service as on the date of settlement, which is not sustainable one, as in the settlement, it is made clear that the persons who are working in the Transport Corporation as on 01.09.2016 as permanent employees, are entitled to revision of pay scale.

9. There shall be a direction to implement the revised pay as per the settlement under Section 12(3) of the Industrial Disputes Act, 1947, to the petitioners with interest. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”

The learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the aforesaid order.

4. In view of the above decision and considering the submissions



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made by the learned counsel for the petitioner, the writ petition is disposed of with a direction to the respondent to implement the revised pay as per the settlement under Section 12(3) of the Industrial Disputes Act, 1947, to the petitioner with interest. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

29.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The Management of Tamilnadu,
State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region,
Rep. by its, General Manager,
Trichy.



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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 29.08.2025