



W.P.(MD) No.12651 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

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M.Shanmuganathan

... Petitioner

Vs.

1.The Management of Tamil Nadu

**State Transport Corporation (Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.**

2.The General Manager,

**The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.**

3.The Administrator,

**The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the respondents to pay petitioner's
difference in gratuity, difference in leave salary and difference in pension



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arrears payable from 01.06.2017 to September, 2019 as per the wage revision Settlement under Section 12(3) of the I.D.Act dated 04.01.2018 with interest at the rate of 6% per annum payable from 01.06.2017 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan for R1 and R2
Standing Counsel
Mr.S.C.Herold Singh for R3
Standing Counsel

ORDER

The grievance of the petitioner herein is that in view of the Wage Revision Settlement arrived between the Management and the Workman under Section 12 (3) of the Industrial Disputes Act, dated 04.01.2018, he would be entitled for the benefits from 01.06.2017 and consequently, the respondents are required to pay the difference in gratuity and difference in leave salary. Though the prayer in the present writ petition seeks for difference in the pension arrears, the learned counsel for the petitioner submitted that he is not pressing for the prayer for payment of the pensionary arrears, for the present.



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2. The learned Standing Counsel for the respondent Corporation submitted a letter of the respondent Corporation, dated 28.06.2022, in TNSTC / KUM /LEGAL / L2 / 12651 / 2022 and admitted that the petitioner herein would be entitled for the eligible amount of difference in gratuity and the difference in the leave salary. In the same letter, it is stated that the petitioner is not entitled for difference in pensionary arrears.

3. In view of the categorical admission of the respondents for payment of difference in gratuity and difference in leave salary, there shall be a direction to the first respondent herein to forthwith pass orders, disbursing the difference in gratuity and difference in leave salary, in accordance with the settlement under Section 12 (3) of the Industrial Disputes Act, dated 04.01.2018 together with interest at the rate of 6% from 01.06.2017, to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. In respect of the claim of difference of pensionary arrears, the petitioner is granted liberty to workout his remedy in accordance with law.



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4. Accordingly, this writ petition stands partly allowed. No costs.

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Index : Yes / No
Speaking Order/ Non Speaking Order

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M.S.RAMESH,J.

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