

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17697 of 2022

K.Kalyanasundaram

... Petitioner

Vs.

The Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Rep. by its Managing Director,
Karaikudi.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to pay the petitioner the difference in his terminal benefits namely Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to him on the month of his retirement, as admitted by the Respondent in the RTI information dated 09.05.19, together with 18 percent interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Jegadees Balan

ORDER

Heard the learned counsel on either side.

2. The writ petitioner worked as Conductor in the respondent Corporation. He reached the age of superannuation and retired on 28.02.2017. Subsequently, settlement was entered into between the Union and the Management on 04.01.2018. But it was made applicable with effect from 01.09.2016. Therefore, the petitioner was also entitled to the benefit under the said settlement dated 04.01.2018. But his terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also interest thereon.

3. This stand of the petitioner cannot be disputed. I therefore direct the respondent corporation to pay differential benefits in respect of gratuity and leave salary. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The respondent have to make the differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment.

4. The Writ Petition is allowed. No costs.

11.10.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17697 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.17697 of 2022

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