



W.P(MD)No.26854 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26854 of 2022

P.Subramanian

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Managiri Post,
Maruthapathi,
Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the petitioner difference amount of Gratuity and Surrender Leave on the basis of 12(3) Settlement dated 04.01.2018 along with 6 percent interest.



For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jegadees Balan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner worked as Selection Grade Conductor in the respondent Corporation. He reached the age of superannuation and retired on 31.10.2017. 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 form the date of the petitioner's retirement till the date of payment.



W.P(MD)No.26854 of 2022

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4. The Writ Petition is allowed. No costs.

29.11.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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