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W.P.(MD)NO.27166 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27166 of 2022

S.Ilangovan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(KMB) Ltd.,
New Railway Station Road, Kumbakonam – 612 001.
2. The General Manager,
Tamil Nadu State Transport Corporation
(KMB) Ltd.,
Pudukkottai Region,
Pillai Thanneer Panthal,
Madurai Main Road, Pudukkottai.
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave Pension Arrears and to revise Pension on the basis of 12(3) Settlement dated 24.08.2022 along with 6% interest.



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For Petitioner : Mr.K.Gokul

For R-1 & R-2 : Mr.K.Jagadees Balan,
Standing Counsel.

For R-3 : Mr.S.C.Herold Singh,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined as Tradesman in the respondent Corporation. He reached the age of superannuation and retired on 30.04.2020. Subsequently, settlement was entered into between the Union and the Management on 24.08.2022. But it was made applicable with effect from 01.09.2019. Therefore, the petitioner was also entitled to the benefit under the said settlement dated 24.08.2022. 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.



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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 respondents 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 accordingly. No costs.

01.12.2022

Index : Yes / No
Internet : Yes/ No

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5

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G.R.SWAMINATHAN,J.

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