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W.P.(MD)NO.7906 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7906 of 2023

R.Janarthanam

... Petitioner

Vs.

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

2. The General Manager,
Tamil Nadu State Transport Corpn. (KMB) Ltd.,
Kumbakonam Region,
New Railway Station Road,
Kumbakonam – 612 001.

... 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 pensions on the basis of 12(3) Settlement dated 24.08.2022 along with 6 percent interest.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadeesbalan,
Standing Counsel.

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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 31.12.2020. Subsequently, settlement was entered into between the Union and the Management on 01.09.2019. But it was made applicable with effect from 24.08.2022. 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.

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. If the amount is paid within six months, it will not carry interest. If it is not so paid, it will carry interest @ 6% per annum from the date of the petitioner's retirement.



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4. The writ petition is allowed accordingly. No costs.

27.04.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Managing Director,
Tamil Nadu State Transport Corpn. (KMB) Ltd.,
New Railway Station Road,
Kumbakonam – 612 001.
2. The General Manager,
Tamil Nadu State Transport Corpn. (KMB) Ltd.,
Kumbakonam Region,
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G.R.SWAMINATHAN,J.

PMU

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