



W.P(MD)No.13079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13079 of 2023

G.Viswanathan

... 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,
Thirumayam Road,
Pudukkottai.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave Pensions Arrears and to revise pensions 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 Respondents : Mr.K.Jagadeesbalan
Standing Counsel for R1 & R2
: Mr.S.C.Herold Singh
Standing Counsel for R3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined as Clerk in the respondent Corporation. He voluntarily retired on 31.08.2020. 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 difference in benefits thereon.

3. This stand of the petitioner cannot be disputed. I, therefore, direct the respondent corporation to pay differential benefits in respect of Gratuity, Surrender Leave, Pensions Arrears and to revise pensions. This amount shall be paid within a period of six months from the date of



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receipt of a copy of this order. The respondent have to make the differential payment computed from the date of the petitioner's retirement till the date of payment.

4. The Writ Petition is allowed accordingly. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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