



W.P(MD)No.13119 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.13119 of 2023

U.Chandra Mohan

... Petitioner

Vs.

**1.The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.**

**2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.**

... 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 pay him difference in gratuity and difference in leave salary as per wage revision settlement under Section 12(3) of the ID Act dated 04.01.2018 with interest at the rate of 6% per annum payable from 31.05.2017 till the date of actual payment within time limit that may be fixed by this Court.



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For Petitioner : Mr.K.Hariharan

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined as Conductor in the respondent Corporation. He reached the age of superannuation and retired on 31.05.2017. 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 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 and Difference in 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 computed from the date of the petitioner's retirement till the date of payment.



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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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