



W.P.(MD)No.13643 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13643 of 2023

U.Kalyanasundaram

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam Region,
27, 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, Provident Fund, Pensions Arrears and to revise pensions on the basis of 12(3) Settlement dated 24.08.2022 along with 6 percentage per interest.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel.



W.P.(MD)No.13643 of 2023

ORDER

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Heard the learned counsel on either side.

2.The writ petitioner retired as Senior Conductor in the respondent corporation on 30.04.2020. He has been denied the benefit of wage settlement for the period from 01.09.2019 till his retirement. Claiming disbursement of the said benefits, the present writ petition has been filed.

3.Subsequent to the petitioner's retirement, a settlement was entered between the Union and the Management on 24.08.2022. However, it was made applicable with effect from 01.09.2019. Therefore, the petitioner has also entitled to the said benefit under the said settlement dated 24.08.2022. But the petitioner's terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled to the differential benefits. The stand of the petitioner cannot be disputed. I direct the respondent corporation to pay the differential benefits in respect of gratuity, provident fund and leave salary. This amount shall be paid by the respondent within a period of twelve weeks from the date of receipt of copy of this order. If the respondent corporation fails to make the differential payment, it will



W.P.(MD)No.13643 of 2023

carry interest at the rate of 6 % per annum to be computed from the date of the petitioner's retirement till the date of payment.

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

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)No.13643 of 2023

G.R.SWAMINATHAN,J.

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W.P.(MD)No.13643 of 2023

12.06.2023