



W.P.(MD).No.16205 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16205 of 2023

K.Poovalingam

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Managiri Post, Maruthapathi,
Karaikudi,
Sivagangai District.

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, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave,



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Provident Fund, Pensions Arrears and to revise Pensions on the basis of 12(3) Settlement dated 24.08.2022 along with 6% interest.

For Petitioner : Mr.K.Gokul
For R1 & R2 : Mr.K.Jegadesh Balan
Standing Counsel
For R3 : Mr.S.C.Herold Singh

ORDER

The present writ petition has been filed seeking direction to 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% interest.

2. The petitioner retired as Driving Instructor in the respondent corporation. He reached the age of superannuation on 31.05.2022.

3. Heard the learned counsel on either side.

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



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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.

5. 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.

6. The Writ Petition is allowed. No costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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L.VICTORIA GOWRI, J.

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