



W.P.(MD).No.17703 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17703 of 2023

S.Mathiyalagan

... Petitioner

Vs.

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

**2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Nagapattinam Region,
Vellipalayam,
Nagapattinam-611 001.**

... 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, 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 Respondents : Mr.K.Ramaiah
Standing Counsel**



W.P.(MD).No.17703 of 2023

WEB COPY

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. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner retired as Selection Grade Checking Inspector in the respondent corporation. He reached the age of superannuation on 31.05.2022.

4. 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 not only the difference in benefits but also interest thereon.



W.P.(MD).No.17703 of 2023

WEB COPY

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 (6) 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. With the above said observation, this Writ Petition stands allowed.
There shall be no order as to costs.

21.07.2023

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

To

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



WEB COPY



W.P.(MD).No.17703 of 2023

L.VICTORIA GOWRI, J.

BTR

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Nagapattinam Region,
Vellipalayam,
Nagapattinam-611 001.

W.P.(MD).No.17703 of 2023

21.07.2023