



W.P.(MD).No.18798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18798 of 2023

G.Ilango

... Petitioner

Vs.

**The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karur Region,
Karur.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to settle the petitioner's retirement benefits including gratuity, comutation of pension, arrears of monthly pension from 30.06.2022 till the date of realization of amount as per the settlement, dated 24.08.2022 under Section 12(3) of ID Act, 1947 with effect from 01.09.2019, payable to him with 18% rate of interest.

For Petitioner : Mr.G.M.Xavier

**For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel**



WEB COPY



W.P.(MD).No.18798 of 2023

ORDER

The present writ petition has been filed seeking direction to the respondent to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 30.06.2022 till the date of realization of amount as per the settlement, dated 24.08.2022 under Section 12(3) of ID Act, 1947 with effect from 01.09.2019, payable to him with 18% rate of 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 Conductor Level-V in the respondent corporation. He reached the age of superannuation on 30.06.2022.

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



W.P.(MD).No.18798 of 2023

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 (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 disposed of. There shall be no order as to costs.

03.08.2023

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



W.P.(MD).No.18798 of 2023

WEB COPY

To
The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karur Region,
Karur.



WEB COPY



W.P.(MD).No.18798 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.18798 of 2023

03.08.2023