



W.P(MD)No.18687 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.18687 of 2023

Kuppusamy

...Petitioner

Vs.

The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
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, 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 w.e.f 01.09.2019, payable to him with 18% rate of interest within the time that may be stipulated by this Court.



W.P(MD)No.18687 of 2023

WEB COPY

For Petitioner : Mr.C.M. Xavier
For respondent : Mr.K. Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents 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 w.e.f 01.09.2019, payable to him with 18% rate of interest within the time that may be stipulated by this Court.

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 Special Grade Driver in the respondent corporation. He reached the age of superannuation on 30.06.2022.

4. Subsequently, settlement was entered into between the Union and



W.P(MD)No.18687 of 2023

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.

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.

02.08.2023



W.P(MD)No.18687 of 2023

Index : Yes / No
Internet : Yes/ No
trp

To

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

L.VICTORIA GOWRI, J.,

trp



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W.P(MD)No.18687 of 2023

W.P(MD).No.18687 of 2023

02.08.2023