



W.P.(MD)No.21619 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21619 of 2023

K.Kowsalya

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. By its Secretary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam)
Ltd.,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.

4.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai -2

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to implement the 14th Wage Settlement (Parvai C1/23053 of 2019), signed under Section 12(3) of the ID Act, dated 24.08.2022 and to re-calculate the retirement benefits of the petitioner such as gratuity, leave salary, provident fund, pension for the period from 01.09.2019 to 30.04.20220 and other retirement benefits and consequently, direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum within the time stipulated by this Court.

For Petitioner : Mr. N. Sudhagar Nagaraj

For Respondents 1 to 3 : Mr.K.Jegadeesh Balan
Standing Counsel

For 4th respondent : Mr. S.C. Herold Singh

ORDER

The present writ petition has been filed seeking direction to the respondents herein to implement the 14th Wage Settlement (Parvai C1/23053 of 2019), signed under Section 12(3) of the ID Act, dated 24.08.2022 and to re-calculate the retirement benefits of the petitioner such as gratuity, leave salary, provident fund, pension for the period from



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01.09.2019 to 30.04.20220 and other retirement benefits and consequently, direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum within the time 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's husband retired as a Senior Driver in the respondent corporation on attaining the age of superannuation on 30.04.2020.

4. Subsequently, a 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. However, her 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.



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5. This stand of the petitioner cannot be disputed. I therefore direct the respondents corporation to pay differential benefits in respect of gratuity, leave salary, provident fund, pension and other retirement benefits. 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. Accordingly, this Writ Petition stands disposed of. No costs.

05.09.2023

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



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L.VICTORIA GOWRI, J.

trp

**ORDER IN
W.P.(MD).No.21619 of 2023**

05.09.2023