



W.P.(MD).No.22139 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22139 of 2023

S.Duraisamy

... Petitioner

Vs

1. XXX

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

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

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

**R1 deleted as per order of this Court, dated 12.09.2023*

... Respondents



W.P.(MD).No.22139 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to implement the 14th Wage Settlement (Paarvai C1/23053 of 2019), signed under section 12(3) of the I.D. Act, dated 24.08.2022, and to re-calculate the retirement benefits of the petitioner such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 01.09.2019 to 31.07.2022 (date of retirement) pension arrears 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 percent per annum within the time limit stipulated by this Court.

For Petitioner : Mr. N.Sudhgar Nagaraj

For Respondents : Mr.M.Prakash(R1)
Additional Government Pleader

Mr.K.Jagadees Balan(R2, R3)
Standing Counsel

Mr.S.C.Herold Singh (R4)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the the respondents 2 and 3 herein to implement the 14th Wage Settlement (Paarvai C1/23053 of 2019), signed under section 12(3) of the I.D. Act, dated 24.08.2022, and to re-calculate the retirement benefits of the petitioner such as



W.P.(MD).No.22139 of 2023

difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 01.09.2019 to 31.07.2022 (date of retirement) pension arrears 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 percent per annum within the time limit 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. Since the relief sought for by the petitioner is only against the second and third respondents, Mr.M.Prakash, learned Additional Government Pleader, appearing for the first respondent prays this Court to delete the name of first respondent from the cause title. Hence, Registry is directed to remove the name of first respondent from the cause title.

4. The petitioner retired from Service as Checking Insepctor, from the respondent Corporation on 31.07.2022.



W.P.(MD).No.22139 of 2023

WEB COPY

5. 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, 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.

6. This stand of the petitioner cannot be disputed. I therefore direct the respondents Corporation to pay differential benefits to the petitioner in respect of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 01.09.2019 to 31.07.2022 (date of retirement) pension arrears 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.



W.P.(MD).No.22139 of 2023

7. Accordingly, this Writ Petition stands disposed of. No costs.

12.09.2023

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

**Note: Registry is directed to issue order copy,
after making necessary amendment in the cause title.**

PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region, Periyamilaguparai, Trichirappalli District.
3. The Administrator,
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W.P.(MD).No.22139 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.22139 of 2023

12.09.2023