

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22081 of 2023

C.Athithan

... Petitioner

Vs

1. The Managing Director,
The Tamil Nadu State Transport Corporation Ltd.,
Thirunelveli Division, K.T.C. Nagar,
Thirunelveli 627 011.
2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Nagercoil Region, Rani Thottam,
Kanyakumari District 629 001.

... 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 settle the Terminal Benefits, payable to the petitioner, such as Difference in Gratuity and Leave Salary amount of Rs. 98,134/- in terms of 12(3) settlement dated 04.01.2018 and all other attendant benefits to him together with interest at the rate of 6 percentage per annum from 01.09.2017 to till the date of payment.

For Petitioner : Mr. Thangavelu.A.K
For Respondents : Mr.D.Jebaraj(R1, R2)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to settle the Terminal Benefits, payable to the petitioner, such as Difference in Gratuity and Leave Salary amount of Rs. 98,134/- in terms of 12(3) settlement dated 04.01.2018 and all other attendant benefits to him together with interest at the rate of 6 percentage per annum from 01.09.2017 to till the date of payment.

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 a Conductor in the respondent corporation. He reached the age of superannuation on 31.07.2017.

4. Subsequently, a settlement was entered into between the Union and the Management on 04.01.2018. But it was made applicable with effect

from 01.09.2017. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 04.01.2018. 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.

5. This stand of the petitioner cannot be disputed. I therefore direct the respondents corporation to pay differential benefits in respect of Difference in Gratuity and Leave Salary amount of Rs. 98,134/- in terms of 12(3) settlement, dated 04.01.2018, for the period from 01.09.2017 to till the date of payment. 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.

12.09.2023

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

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation Ltd.,
Thirunelveli Division, K.T.C. Nagar,
Thirunelveli 627 011.
2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Nagercoil Region, Rani Thottam,
Kanyakumari District 629 001.

L.VICTORIA GOWRI, J.

PNM

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W.P.(MD).No.22081 of 2023

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