



W.P.(MD).No.23387 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23387 of 2023

K.Sureshkumar

... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Madurai) Ltd,
Rep. by its Managing Director,
Bye Pass Road, Madurai - 625 016.
2. The General Manager,
Tamil Nadu State Transport Corporation Ltd,
Dindigul Region, Chettinayakkanpatti Post,
Dindigul - 624 005.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... 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 amount of Rs.1,16,352/- payable to the petitioner such as difference in Gratuity, Leave Salary and Pension amount in terms of 12(3) Settlement, dated 24.08.2022 and all other attendant benefits to him with



W.P.(MD).No.23387 of 2023

interest at the rate of 6 percent per annum from 01.08.2022 to till the date of payment.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.Gladson Michael Rajadurai(R1,R2)
Standing Counsel

Mr.S.C.Herold Singh(R3)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to settle the Terminal Benefits amount of Rs.1,16,352/- payable to the petitioner such as difference in Gratuity, Leave Salary and Pension amount in terms of 12(3) Settlement, dated 24.08.2022 and all other attendant benefits to him with interest at the rate of 6 percent per annum from 01.08.2022 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.Heard, Mr.A.K.Thangavelu, learned counsel appearing for the petitioner, Mr.Gladson Michael Rajadurai, learned Standing Counsel appearing



W.P.(MD).No.23387 of 2023

for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the third respondent. Perused the materials on record.

4.(i).The petitioner joined as Clerk in the respondent Corporation, with effect from 16.02.1989 and his service was regularized as Clerk on 16.02.1990. He voluntarily retired from service on 31.12.2020, due to ill health condition from Regional Office, Dindigul Region.

(ii).After his retirement, 14th Wage Revision Settlement was signed between the representative of the State Government, State Owned Transport Undertakings and the Trade Unions of the employees, dated 24.08.2022. As per the 12(3) settlement, the basic pay as on 31.08.2019 has to be fixed in the pay matrix and also given 5% increase in the pay. The interim amount given w.e.f., 01.01.2022 to 31.07.2022 has to be adjusted in the pay arrears from 01.01.2022 to 31.07.2022.

(iii).The petitioner's existing pay was Rs.45,700/- and his terminal benefits were settled by taking the last month salary of December, 2020. As per the 12(3) settlement, the respondent had revised and refixed his basic pay as Rs.48,900/- and his pension amount also revised and refixed as Rs.24,450/-



W.P.(MD).No.23387 of 2023

w.e.f., April 2023. As per the 12(3) settlement, the petitioner is entitled to get the difference in Gratuity, Leave Salary and Pension Amount.

(iv).This Court in WP(MD)No.5549 of 2023 etc., similar batch has passed favourable orders to the petitioner therein. On that basis, the petitioner made a representation, dated 28.08.2023 to the respondents seeking to settle the terminal amounts payable to him, such as difference in Gratuity, Leave Salary and Pension amount in terms of 12(3) Settlement, dated 24.08.2022 with interest at the rate of 6 percent per annum from 01.08.2022 to till the date of payment. However, there was no response from them. Hence, the writ petition came to be filed.

5.In view of the limited relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 28.08.2023 and pass final orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



W.P.(MD).No.23387 of 2023

WEB COPY

6. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

26.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bye Pass Road, Madurai - 625 016.
2. The General Manager,
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W.P.(MD).No.23387 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.23387 of 2023

26.09.2023