



W.P.(MD).No.23772 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23772 of 2023

G.Manoharan

... Petitioner

Vs.

**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,
Trichirapalli District.**

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

... 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 1 and 2 herein to implement the 14th Wage Settlement (Paarvai. C1/23053 of



W.P.(MD).No.23772 of 2023

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 31.10.2020 (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% per annum.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R-1 & R-2 : Mr.K.Ramaiah
Standing Counsel

For R-3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 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 31.10.2020 (date of retirement) pension arrears and other retirement benefits and consequently



W.P.(MD).No.23772 of 2023

direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum.

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 Conductor Level - 5 in the respondent Corporation. He voluntarily retired from service on 31.10.2020.

4. 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. 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 arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated



W.P.(MD).No.23772 of 2023

24.08.2022. 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 disposed of.

There shall be no order as to costs.

29.09.2023

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

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,
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W.P.(MD).No.23772 of 2023

WEB COPY

3. The Administrator,
The Tamil Nadu Transport Corporation
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W.P.(MD).No.23772 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.23772 of 2023

29.09.2023