



W.P.(MD).No.28059 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28059 of 2023

S.Sahayareni

... Petitioner

Vs.

The Management of Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Represented by its General Manager,
Tirunelveli.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revise/refix the scale of pay of the petitioner w.e.f 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and consequently to pay him difference/arrears terminal benefits, namely, Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Special Grade Conductor Level-5 of the Transport Corporation seeking a Mandamus to disburse the difference amount of Gratuity and Encashment of Leave.

2. According to the writ petitioner, he had retired from service on 31.05.2017. The settlement under Section 12 (3) of the Industrial Dispute Act was entered into between the trade union and the management on 04.01.2018, with effect from 01.09.2016. As per the said settlement, the salary and other benefits were enhanced.

3. Seeking the said benefits, the petitioner has sent a representation on 24.08.2023. However, the same is yet to be disposed off. Considering the above said facts, the respondent is directed to confer the eligible benefits upon the writ petitioner and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. Accordingly, this Writ Petition is allowed to the extent as stated above. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.



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R.VIJAYAKUMAR,J.

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