



WEB COPY



W.P.No.1522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1522 of 2024

K.Sekar

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Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Transport Department,
Secretariat, Chennai – 600 009.

2. Metropolitan Transport Corporation Limited,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 2.

3. Tamil Nadu State Transport Corporation Employees'
Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.1,99,526/- towards difference in Gratuity with 10% interest and a sum of Rs.70,718/- towards difference in monthly pension for 38 months payable for the period from 01.08.2016 to 30.09.2019 with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court.



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For Petitioner : M/s.H.Nandhini
For R1 : Mr.A.A.Ayyadurai
Government Advocate
For R2 : Mr.A.Vinodhraj
For R3 : Mr.C.S.K.Sathish

ORDER

This Writ Petition has been filed for direction directing the respondents to pay the petitioner for a sum of Rs.1,99,526/- towards difference in Gratuity with 10% interest and a sum of Rs.70,718/- towards difference in monthly pension for 38 months payable for the period from 01.08.2016 to 30.09.2019 with interest at the rate of 10% per annum.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined the service of the second respondent Corporation as a Conductor on 16.04.1981. He was made permanent, after competition 240 days of his service. He retired from service on 31.07.2016 on attainment the age of superannuation. All the terminal benefits were settled to him after six months from the date of his retirement. As per 12(3) Settlement, it was signed on 22.01.2011 with effect from 01.09.2010 and though revised scales of pay and grade pay were fixed and revised for all posts, the scales of



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pay and grade pay for the post of Driving Instructor, Checking Inspector, Store Keeper and Security Sargent were not fixed and it was agreed to be revised and fixed later separately. However, the scale of pay and grade pay was fixed for the said posts only in the 12(3) Settlement notionally from 01.09.2010. However, the petitioner was not paid gratuity based on the revised pay and grade pay.

4. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner for payment of difference in gratuity with applicable interest, if any, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To



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1. The Additional Chief Secretary,
Transport Department,
Secretariat, Chennai – 600 009.
2. The Managing Director,
Metropolitan Transport Corporation Limited,
No.2, Pallavan Salai,
Chennai – 2.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees'
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

G.K.ILANTHIRAIYAN. J.



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