



WEB COPY



W.P.No.6400 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

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

W.P.No.6400 of 2024
and
W.M.P No.7108 of 2024

R.Gunasekaran

...Petitioner

-Vs-

The Deputy Manager (Accounts)
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Erode Region
Erode.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, after calling for the records pertaining to the impugned order of the respondent passed in Ka.No.406/Vai/Nil/Vai Ni/TNSTC/Ko/E Ma/24 dated 24.02.2024, quash the same and consequently direct the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.19 to 31.05.22 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to him on the month of his retirement as admitted by the respondent in the RTI information dated 12.09.23, together with 18% interest per annum, within a time frame as may be fixed by this



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For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.M.Murali Vinoth
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, after calling for the records pertaining to the impugned order of the respondent passed in Ka.No.406/Vai/Nil/Vai Ni/TNSTC/Ko/E Ma/24 dated 24.02.2024, quash the same and consequently direct the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.19 to 31.05.22 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to him on the month of his retirement as admitted by the respondent in the RTI information dated 12.09.23, together with 18% interest per annum, within a time frame as may be fixed by this Court.

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

3. The petitioner was working as a Special Grade Driver in the respondent Corporation and retired from service on 31.05.2022.



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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 not only to the difference in benefits, but also interest thereon.

5. This stand of the petitioner cannot be disputed. Therefore, the respondent / Corporation is directed to pay arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 24.08.2022. Those amounts shall be paid within a period of six (6) weeks from the date of receipt of a copy of this order. The respondent has 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 observations, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.



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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

The Deputy Manager (Accounts)
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Erode Region
Erode.

G.K.ILANTHIRAIYAN. J.

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