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W.P.No.18733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18733 of 2024

V.Devan

... Petitioner

-Vs-

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem – 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd,
Dharmapuri Region,
Dharmapuri.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-02.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay the differential Gratuity, Pension Commutation, Leave Encashment and pension arrear amount as per the 12(3) settlement along with interest at the rate of 18% within the stipulated time as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.J.Pradeep

For R1 and R2 : Mr.K.Raja
Standing Counsel

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ORDER

This Writ Petition has been filed for direction directing the respondents to pay the differential Gratuity, Pension Commutation, Leave Encashment and pension arrear amount as per the 12(3) settlement along with interest at the rate of 18% within the stipulated time as may be fixed by this Hon'ble Court.

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

3. The petitioner had joined the service in the Annai Sathya Transport Corporation as Conductor and retired from service on 31.08.2022. At the time of retirement, he was working as Senior Checking Inspector in the respondent Corporation. The respondents settled his retirement benefits belatedly. While being so, the 14th Tripartite Wage Settlement under Section 12(3) of the Industrial Dispute Act was entered into between the Management and the Trade Unions on 24.08.2022. As per the terms of settlement, the Management agreed to revise the wages of the employees those who are in service as on 01.09.2019 by revising the pay by 5% of the earlier wages. Since the petitioner had retired



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from service with effect from 31.08.2022, he is also covered under the 14th wage

settlement as per the settlement dated 24.08.2022 with effect from 01.09.2019.

Hence, the petitioner submitted a representation and it is pending with the respondents.

4. Considering the above facts and circumstances of the case, the respondents are directed to pay the differential Gratuity, Pension Commutation, Leave Encashment and pension arrear to the petitioner, with applicable interest, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

18.07.2024

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation:Yes/No

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G.K.ILANTHIRAIYAN, J.

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To

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Salem – 636 007.
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