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W.P.No.18433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM:

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

W.P.No.18433 of 2024

V.Thirumoorthy

.... Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

.... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2019 to 31.01.2020 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 10.03.2023, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.C.Gowthamaraj
Standing Counsel



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ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2019 to 31.01.2020 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 10.03.2023, 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 Senior Tradesman in the respondent Corporation and retired from service on 31.01.2020.

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



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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. There shall be no order as to costs.

05.07.2024
(6/7)

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

The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore.

G.K.ILANTHIRAIYAN. J.



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