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W.P.No.23345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23345 of 2024

M.Thangavel

...Petitioner

Vs.

The Management,
Tamil Nadu State Transport Corporation (Kovai) Limited,
Rep. By its Managing Director,
Coimbatore

..Respondent

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay the petitioner the difference / arrears of wages for the period from 01.09.2019 to 29.02.2010 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to me on the month of the petitioner retirement, as per settlement dated 24.08.2022 as admitted by the respondent in the RTI Information dated 03.07.2024 together with 18% interest per annum, within a time frame fixed by this Court.

For Petitioner	: Mr.G.Vijay Priyan for Mr.V.Ajay Khose
For Respondent	: Mr.C.Gouthamaraj Standing Counsel



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ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to pay the amount payable towards arrears of wages for the period from 01.09.2019 to 29.02.2020 and also the terminal benefits viz., Gratuity and encashment of leave based on the scale of pay at the time of his retirement, with interest at the rate of 18% per annum from the date of retirement till the date of actual payment.

2. The case of the petitioner is that he was working as a Security in the respondent Corporation from 12.07.1984. After completion of 36 years of service, he retired from service as “Security Sergeant” on 29.02.2020.

3. The further case of the petitioner is that while settling his terminal benefits, the respondents failed to pay and settle the amount toward arrears of wages for the period from 01.09.2019 to 29.02.2020, Gratuity and encashment of leave. The petitioner made an application under the Right to Information Act and the respondent also provided the details of amount to be paid to the petitioner under these heads through



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information dated 03.07.2024. Since the amount due and payable towards the arrears of wages, Gratuity and encashment of leave were not paid to the petitioner, the present writ petition has been filed seeking for appropriate directions.

4. Heard Mr.G.Vijay Priyan, learned counsel for Mr.V.Ajay Khose, learned counsel for the petitioner and Mr.C.Gouthamaraj, learned Standing counsel for respondent.

5. Taking into consideration the facts and circumstances of the case and the RTI information dated 03.07.2024 that was furnished to the petitioner, there shall be a direction to the respondent Corporation to settle the amount due and payable towards arrears of wages from 01.09.2019 to 29.02.2020, Gratuity and encashment of leave, within a period of six weeks from the date of receipt of a copy of this order with 6% interest from the date of retirement till the date of actual realisation. If there is any delay in settling the amount within the time frame fixed by this Court, the respondent Corporation will be liable to pay interest at the rate of 12% from the date of retirement till the date of actual realisation.



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6. The petitioner is directed to make a fresh representation to the respondent along with a copy of this order.

7. This writ petition is disposed of with the above directions.

No costs.

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Internet: Yes/No
Index: Yes/No
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N.ANAND VENKATESH,J.,



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To
The Management,
Tamil Nadu State Transport Corporation (Kovai) Limited,
Rep. By its Managing Director,
Coimbatore

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