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W.P.No.27200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27200 of 2024

V.Durai Raj

.. Petitioner

Vs.

M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai – 600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to settle a sum of Rs.1,92,717/- payable to the petitioner herein towards difference in Gratuity, Earned Leave Salary and Pension arrears with 6% interest by considering the representation of the petitioner dated 26.06.2023 and 28.08.2024.

For petitioner : Mr.D.Soundar Raj

For Respondent : Mr.L.S.M.Hasan Fizal
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent to settle a sum of Rs.1,92,717/- to the petitioner towards difference in Gratuity, Earned Leave Salary and Pension arrears



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with 6% interest by considering the representation of the petitioner dated 26.06.2023 and 28.08.2024.

2.The case of the petitioner is that he joined as Junior Tradesman in the respondent Corporation on 01.11.1990 and retired from his services on 31.07.2022 on attaining the age of superannuation.

3.The grievance of the petitioner is that his terminal benefits were not calculated as per the Wage Settlement that was arrived on 24.08.2022 under Section 12(3) of the Industrial Disputes Act, 1947, with effect from 01.09.2019. Hence, the petitioner sent representations dated 26.06.2023 and 28.08.2024 to the respondent to take steps to settle his terminal benefits and to revise his pension based on the revised wage settlement arrived on 24.08.2022. Since the same did not evoke any response, the petitioner has come with the present writ petition for the relief sought for above.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

5.Taking into consideration the facts and circumstances of the case



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and the materials available on record, this writ petition is disposed of with a direction to the respondent Corporation to pay the permissible amount with interest at the rate of 6% per annum for the delay period in settling the terminal benefits. This payment shall be made within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch an interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of actual realisation.

6.The petitioner is directed to submit a fresh representation to the respondent along with a copy of this order. No costs.

19.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai – 600 002.

N.ANAND VENKATESH, J.

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