



W.P.(MD).No.1166 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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A.Sivankutty

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd.,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle the difference in petitioner's terminal benefits namely gratuity, encashment of leave and all other attendant benefits if any based on the new wage settlement under Section 12(3) of ID Act 1947 dated 24.08.2022 with



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revised pay matrix w.e.f. 01.09.2019 to the date of the petitioner retirement (for the period from 01.09.2019 to 31.01.2022) payable to the petitioner with 6% rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For R-1 : Mr.K.Ramaiah,
Standing Counsel

For R-2 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to settle the difference in petitioner's terminal benefits namely gratuity, encashment of leave and all other attendant benefits if any based on the new wage settlement under Section 12(3) of ID Act 1947 dated 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 to the date of the petitioner retirement (for the period from 01.09.2019 to 31.01.2022) payable to the petitioner with 6% rate of interest within the time that may be stipulated by this Court.



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2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was employed as Driver in the respondent Corporation. He voluntarily retired as Special Grade Driver on 31.01.2022.

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

5. This stand of the petitioner cannot be disputed. I therefore, direct the respondent Corporation to pay difference amount of salary from 01.09.2019 to 31.01.2022. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondents have to make the



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differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment.

6. This Writ Petition stands disposed of, accordingly. There shall be no order as to costs.

22.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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