



W.P.(MD).No.4078 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4078 of 2024

M.Subramanian

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Dindigul District.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Trust,
Thiruvalluvar Illam, 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 petitioner's retirement benefits including gratuity, commutation of pensions, arrears of monthly pension from 31.07.2022 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12(3) of ID Act 1947 w.e.f. 01.09.2019, payable to him with 18% rate of interest.

For Petitioner : Mr.G.M.Xavier
For 1st Respondent : Mr.K.Ramaiah
Standing Counsel



W.P.(MD).No.4078 of 2024

For 2nd Respondent : Mr.S.C.Herold Singh
Standing Counsel

ORDER

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

2.The present writ petition has been filed seeking direction to the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pensions, arrears of monthly pension from 31.07.2022 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12(3) of ID Act 1947 w.e.f. 01.09.2019, payable to him with 18% rate of interest.

3.The petitioner retired as Helper in the respondent corporation. He reached the age of superannuation on 31.07.2022.

4.Heard the learned counsel on either side.



W.P.(MD).No.4078 of 2024

WEB COPY

5.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.

6.This stand of the petitioner cannot be disputed. I therefore direct the respondent corporation to pay differential benefits in respect of gratuity and leave salary. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The respondents have 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.

7.In view of the above, the Writ Petition is disposed of. No costs.

22.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Mrn
\



WEB COPY



W.P.(MD).No.4078 of 2024

L.VICTORIA GOWRI, J.

Mrn

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Dindigul District.
- 2.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

W.P.(MD).No.4078 of 2024

22.02.2024