



W.P.(MD).No.4866 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4866 of 2024

R.Madhavan Nair

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil-629 001,
Kanyakumari District.
3. 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, revised salary arrears amount and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act



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1947, dated 04.01.2018 with re-fixed scale of w.e.f 01.09.2016 to on the date of the petitioner retirement (for the period from 01.09.2016 to 31.05.2017) payable to the petitioner with 6 % rate of interest within the time stipulated by this Court.

For Petitioner : Mr. N.S.Ramakrishna Dass

For Respondents : Mr.K.Jegadeesh Balan (R1, R2)
Mr.S.C.Herold Singh (R3)
Standing Counsels

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, revised salary arrears amount and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 04.01.2018 with re-fixed scale of w.e.f 01.09.2016 to on the date of the petitioner retirement (for the period from 01.09.2016 to 31.05.2017) payable to the petitioner with 6 % rate of interest within the time stipulated by this Court.

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



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3. The petitioner was employed as a Senior Checking Inspector in the respondent corporation and voluntarily retired from service on 31.05.2017.

4. Subsequently, 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. However, 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 respondents corporation to pay differential benefits in respect of gratuity, encashment of leave, revised salary arrears amount and all other attendant benefits. 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.



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6. Accordingly, this Writ Petition stands disposed of. No costs.

01.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.4866 of 2024**

01.03.2024