



W.P.(MD).No.5492 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5492 of 2024

S.Saraswathi

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirapalli District.
4. The Administrator,
Tamil Nadu Transport Corporation Employees Pension Trust,
Thiruvallurvar Illam, Pallavan Salai,
Chennai-2.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to implement the 14th Wage Settlement (Paarvai.C1/23053 of 2019) signed under section 12(3) of the I.D.Act, dated 24.8.2022 and to re-calculate the retirement benefits of the petitioner such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 1.9.2019 to 01.09.2020 (date of retirement) pension arrears and other retirement benefits and consequently direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum within the time limit stipulated by this Court.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : Mr.R.Ragavendran(R1)
Government Advocate

Mr.K.Jegadeesh Balan (R2,R3)
Mr.S.C.Herold Singh (R4)
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to implement the 14th Wage Settlement (Paarvai.C1/23053 of 2019) signed under section 12(3) of the I.D.Act, dated 24.8.2022 and to re-calculate the retirement benefits of the petitioner's husband such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 1.9.2019 to 01.09.2020 (date of death)



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pension arrears and other retirement benefits and consequently direct the respondents to pay the petitioner the difference amount of the same along with interest at the rate of 6% per annum within the time limit 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.

3. At the time of death, the petitioner's husband was served as Driver in the respondent Corporation. He died on 01.09.2020.

4. 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. But his terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled not only to the difference in benefits but also with interest thereon.



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5. This stand of the petitioner cannot be disputed. I therefore, direct the respondent Corporation to pay the petitioner's husband arrears of wages and differential benefits in respect of gratuity, leave salary, provident fund, commuted value of pension, revised pension, pension arrears and other retirement benefits as per wage settlement, dated 24.08.2022 to the petitioner. 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 differential payment with 6% interest per annum to be computed from the date of the death of petitioner's husband to till the date of payment.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

08.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

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