



W.P.(MD).No.5298 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5298 of 2024

and

W.M.P.(MD)No.5090 of 2024

P.Thayalan

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai -09.
- 2.The Tamil Nadu State Transport Corporation (kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
- 3.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi, Sivagangai District.
- 4.The Administrator,
The Tamil Nadu Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Government letter issued by the 1st respondent in Ref. No.2048/E1/2022-2 Transport (E1)



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Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2nd respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave Salary, Commuted Value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14th wage revision settlement signed under Section 12(3) of the I.D. Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave Salary, Commuted value of pension and revised pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in service employees of the transport Corporation based on such wages payable to him as on the date of his retirement that is as on 31.05.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

For Petitioner	: Mr.A.Rakul
For 1 st Respondent	: Mr.R.Ragavendran Standing Counsel
For Respondents 2 & 3	: Mr.K.Jegadeesh Balan Standing Counsel
For 4 th Respondent	: Mr.S.C.Herold Singh Standing Counsel

ORDER

The present writ petition has been filed to quash the impugned Government letter issued by the 1st respondent in Ref. No.2048/E1/2022-2 Transport (E1) Department dated 17.02.2023 in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2nd respondent to pay other terminal benefits to the petitioner including difference



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amounts in Gratuity and Leave Salary, Commuted Value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14th wage revision settlement signed under Section 12(3) of the I.D. Act dated 24.08.2022 and to direct the respondents to pay the petitioner, difference amounts in gratuity, Leave Salary, Commuted value of pension and revised pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in service employees of the transport Corporation based on such wages payable to him as on the date of his retirement that is as on 31.05.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

2.The petitioner retired as Helper in the respondent corporation. He reached the age of superannuation on 31.05.2022.

3.Heard the learned counsel on either side.

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



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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 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.

6.In view of the above, the Writ Petition is allowed. There shall be no order as to costs.

06.03.2024

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



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To

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L.VICTORIA GOWRI, J.

Mrn



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