



WEB COPY

W.P.(MD).No.6135 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6135 of 2024

S.Natarajan

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Rep. By its Managing Director,
Kattapomman Nager, V.M.Chathiram,
Tirunelveli.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai -2.

... 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 revise the petitioner's pension based on the new wage settlement dated 04.01.2018 and pay the petitioner the difference in pension payable to the petitioner for the period from 01.05.2017 to 30.09.2019 as arrears of pension and D.A., together with 18% interest per annum.

For Petitioner : Mr.R.Murugan

For 1st Respondent : Mr.D.Jebaraj

Standing Counsel

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

Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondents to revise the petitioner's pension based on the new wage settlement dated 04.01.2018 and pay the petitioner the difference in pension payable to the petitioner for the period from 01.05.2017 to 30.09.2019 as arrears of pension and D.A., together with 18% interest per annum.

2. The petitioner retired as Conductor in the respondent corporation. He reached the age of superannuation on 30.04.2017.

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 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. The Writ Petition is allowed. No costs.

14.03.2023

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

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Kattapomman Nager, V.M.Chathiram,
Tirunelveli.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai -2.



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L.VICTORIA GOWRI, J.

Mrn

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