



W.P.(MD).No.7797 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7797 of 2024

S.Rakkappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
Karaikudi Region, Managiri Post,
Maruthapathi, Karaikudi,
Sivagangai District.

... 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 disburse the petitioner's difference amount of Salary, Gratuity, Surrender Leave, Provident Fund, Pension Arrears and to revise Pensions on the basis of 12(3) settlement dated 24.08.2022 along with 6% interest.



W.P.(MD).No.7797 of 2024

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah,
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 disburse the petitioner's difference amount of Salary, Gratuity, Surrender Leave, Provident Fund, Pension Arrears and to revise Pensions on the basis of 12(3) settlement dated 24.08.2022 along with 6% interest.

3. The petitioner retired as a Selection Grade Conductor in the respondent corporation. He reached the age of superannuation on 29.02.2020.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.



W.P.(MD).No.7797 of 2024

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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 (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 petitioner's retirement till the date of payment.

7. The Writ Petition is disposed of. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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