



W.P.(MD).No.9586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9586 of 2024

A.Shanmugasundaram

... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Corporate Office, No.2, Pallavan Salai,
Chennai - 600 002.

2.The Administrator,
TNSTC Employees Pension Trust,
SETC (TN) Ltd., No.2, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's difference arrears amount of salary, Gratuity, Surrender leave salary and also the petitioner's pension with retrospective effect on the basis of 12(3) Settlement of 14th Wage Settlement made on 24.08.2022 to be implemented on 01.09.2019 with 6% interest as per the Court direction since it is belated payment to the petitioner. And also the revised pension arrears amount of belated payment is eligible at the rate of 6% per Annum from the date of retirement to till the date of payment payable for the said monetary terminal benefits within a stipulated time frame as fixed by this Court.



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For Petitioner : Mr.K.Gokul
For R1 : Mr.R.Senthil Kumar
Standing Counsel
For R2 : Mr.S.C.Herold Singh

ORDER

Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.R.Senthil Kumar, learned Standing Counsel appearing for R1 and Mr.S.C.Herold Singh, learned Counsel appearing for R3.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against the respondents to disburse the petitioner's difference arrears amount of salary, Gratuity, Surrender leave salary and also the petitioner's pension with retrospective effect on the basis of 12(3) Settlement of 14th Wage Settlement made on 24.08.2022 to be implemented on 01.09.2019 with 6% interest as per the Court direction since it is belated payment to the petitioner. And also the revised pension arrears amount of belated payment is eligible at the rate of 6% per Annum from the date of retirement to till the date of payment payable for the said monetary terminal benefits.



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3. The petitioner was appointed as Driver in the respondent Corporation on 29.04.1988 and thereafter he was promoted to the post of Selection Senior Driver and retired on 31.08.2021.

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 to not only the difference in benefits but also interest thereon.

5. This stand of the petitioner cannot be disputed. I therefore, direct the first respondent Corporation to pay arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 24.08.2022. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The first respondent has to make the differential payment with interest at the rate of 6% per annum to be computed from the date of the petitioner's retirement till the date of payment.



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WEB COPY 6. With the above observation, this Writ Petition is **disposed of**.

No costs.

18.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

1.The Managing Director,
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Chennai - 600 002.

2.The Administrator,
TNSTC Employees Pension Trust,
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R.N.MANJULA, J.

Nsr

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