



WP(MD) No.9914 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9914 of 2024

P.Vijayapandian

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 016.

2.The Financial Advisor & Chief A/cs Officer,

Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 016.



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3. The Administrator

TNSTC Employees Pensions Fund Trust,
SETC Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.

...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 difference arrears amount of Gratuity, Surrender leave Salary, Pension on the basis of 12(3) Settlement of 13th Wage Settlement made on 01.04.2018 to the petitioner with interest at the rate of 6% per annum as per the court direction from the date of retirement to till the date of payment payable for the said monetary terminal benefits.

For Petitioner : Mr.K.Thirugnanasambandan

For Respondents : Mr.Ramachandra Pradeep – for R1 & R2

Standing Counsel

Mr.S.C.Herold Singh – for R3



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to disburse the petitioner's difference in arrears of Gratuity, Surrender leave Salary, Pension on the basis of 12(3) Settlement of 13th Wage Settlement made on 01.04.2018 to the petitioner with interest at the rate of 6% per annum as per the court direction from the date of retirement to till the date of payment payable for the said monetary terminal benefits.

2. Heard Mr.K.Thirugnanasambandan, learned counsel for the petitioner, Mr.Ramachandra Pradeep, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the third respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner retired as “Selection Grade Driver” in



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the respondent Corporation. He reached the age of superannuation and retired from service on 30.09.2016.

5. A settlement was entered into between the Union and the Management on 01.09.2016. But it was made applicable with effect from 04.01.2018. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 04.01.2018. 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 feel it is appropriate to direct the respondent Corporation to pay differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 04.01.2018.

7. Accordingly, this Court directs the respondent



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Corporation to pay differential benefits in respect of Gratuity and Encashment of Leave as per wage settlement, dated 04.01.2018, This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondent Corporation has 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.

8. With the above direction, this Writ Petition is **disposed of**. No costs.

23.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To

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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9914 of 2024

Dated:
23.04.2024