



WP(MD) No.11806 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11806 of 2024

Kannan

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam - 612 001.

2.The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

...Respondents



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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 pay the different amount of salary, terminal benefits viz. Gratuity, Provident Fund, Earned Leave Salary and pension with interest @ 6 % p.a. and also revise the pension based on the 12 (3) Settlement dated 24.08.2022.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.K.Jagadees Balan – for R1

Standing Counsel

Mr.S.C.Herold Singh – for R2

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to pay the different amount of salary, terminal benefits viz. Gratuity, Provident Fund, Earned Leave Salary and pension with interest @ 6 % p.a. and also revise the pension based on the 12 (3) Settlement dated 24.08.2022.

2. Heard Mr.D.Venkatachalam, learned counsel for the petitioner, Mr.K.Jagadees Balan, learned Standing Counsel



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appearing for the first respondent and Mr.S.C.Herold Singh, learned counsel appearing for the second 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 “Special Grade Tradesman” in the respondent Corporation. He reached the age of superannuation and retired from service on 31.05.2022.

5. 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 the interest thereon.



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6. Hence, it is appropriate to direct the respondent Corporation to pay differential benefits in respect of Gratuity, provident fund and Encashment of Leave as per wage settlement, dated 24.08.2022.

7. Accordingly, this Writ Petition is disposed of and the respondents are directed to pay differential benefits in respect of Gratuity, provident fund and Encashment of Leave as per wage settlement, dated 24.08.2022 with interest at the rate of 6% per annum from the date of retirement till the date of dispersal within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

06.06.2024

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



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To

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Kumbakonam - 612 001.

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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11806 of 2024

Dated:
06.06.2024