



W.P.(MD).No.11986 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.11986 of 2024

R.Marimuthu

... 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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 Percentage p.a. and also revise the pension based on the 12(3) Settlement dated 24.08.2022 to the petitioner within time that may be prescribed by this Court.



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For Petitioner : Mr.D.Venkatachalam

For R-1 : Mr.K.Jagadees Balan

For R-2 : Mr.S.C.Herold Singh

ORDER

Heard Mr.D.Venkatachalam, learned counsel appearing for the petitioner, Mr.K.Jagadees Balan, learned counsel appearing for the first respondent and Mr.S.C.Herold Singh, learned counsel appearing for the second respondent.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against the respondents to pay the different amount of salary, terminal benefits viz., Gratuity, Provident Fund, Earned Leave Salary and Pension with interest @ 6 Percentage p.a. and also revise the pension based on the 12(3) Settlement dated 24.08.2022.



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3. The petitioner was appointed as Driver in the respondent Corporation on 05.09.1991 and thereafter he was promoted to the post of Special Grade Driver and retired on 31.05.2022.

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

No costs.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 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,
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R.N.MANJULA, J.

Nsr

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