



W.P.(MD).No.12781 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12781 of 2024

J.Francis Xavier

... Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil-629001,
Kanyakumari District.
2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Trust,
Thiruvallur House,
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 settle the difference in petitioner's terminal benefits namely gratuity, encashment of leave and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 to on the date of the petitioner retirement



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(for the period from 01.09.2019 to 31.05.2022) payable to the the petitioner with 6 % rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr. N.S. Ramakrishna Dass
For Respondents : Mr.K.Ramaiah (R1)
Mr.S.C.Herold Singh (R2)
Standing Counsels

ORDER

Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner, Mr.K.Ramaiah, learned Standing Counsel appearing for R1 Mr.S.C.Herold Singh, learned Counsel appearing for R2.

2.The petitioner has filed this writ petition seeking to issue a direction to the respondents to settle the difference in petitioner's terminal benefits namely gratuity, encashment of leave and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 with 6 % rate of interest.



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3.The petitioner was employed as a Conductor in the respondent Corporation and retired from service on attaining the age of superannuation 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 any reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also to the 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, encashment of leave and all other attendant benefits as per wage settlement, dated 24.08.2022. This amount shall be paid within a period of six (6) 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 direction, this writ petition stands disposed of.

There shall be no order as to costs.

18.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The General Manager,
Tamil Nadu State Transport Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil-629001,
Kanyakumari District.
2. The Administrator,
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R.N.MANJULA, J.

PNM

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