



W.P.(MD).No.13305 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13305 of 2024

N.Gunasekaran

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Limited,
Ranithottam,
Nagercoil – 629 001,
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 for issuance of 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 on the date of the petitioner's retirement (for the period from 01.09.2019 to 31.05.2022)



W.P.(MD).No.13305 of 2024

payable to 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 R-1 : Mr.K.Ramaiah

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

ORDER

Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner, Mr.K.Ramaiah, learned counsel for the first respondent and Mr.S.C.Herold Singh, learned Counsel for the second respondent.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against 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 on the date of the petitioner's retirement (for the period from 01.09.2019 to 31.05.2022) payable to the petitioner with 6% rate of interest.



W.P.(MD).No.13305 of 2024

3. The petitioner was appointed as Conductor in the respondent Corporation and thereafter he was promoted to the post of Special Grade Conductor Level-4 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.



W.P.(MD).No.13305 of 2024

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

No costs.

21.06.2024

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

To:

- 1.The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Limited,
Ranithottam,
Nagercoil – 629 001,
Kanyakumari District.
- 2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
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W.P.(MD).No.13305 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.13305 of 2024

21.06.2024