



WP(MD) No.13531 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13531 of 2024

D.Joseph Kennady

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation, (KMB) Ltd,
27, New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager

Tamil Nadu State Transport Corporation, (KMB) Ltd
Nagapattinam Region,
Nagapattinam.

...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 disburse the petitioner's difference amount of salary, Gratuity, Surrender Leave, Provident Fund, Pension Arrears and to revise pensions on the basis of 12 (3) Settlement dated 24.08.2022 along with 6 % interest.

For Petitioner : Mr.K.Gokul

For Respondents : Mr. K.Ramaiah

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to disburse the petitioner's difference amount of salary, Gratuity, Surrender Leave, Provident Fund, Pension Arrears and to revise pensions on the basis of 12 (3) Settlement dated 24.08.2022 along with 6 % interest.

2. Heard Mr.K.Gokul, learned counsel for the petitioner



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and Mr. K.Ramaiah, learned Standing Counsel appearing for the respondents.

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 “Tradesman” in the respondent Corporation. He voluntarily retired from service on 31.05.2021.

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 disbursement within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

25.06.2024

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.13531 of 2024

Dated:
25.06.2024