



W.P.(MD).No.14228 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14228 of 2024

G.Shanmugaraj

...Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
By-pass Road,
Madurai – 625 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondent to pay the difference amount of petitioner's retirement benefits such as Gratuity and Leave Salary based on the wage settlement under Section 12(3) of the ID Act dated 04.01.2018 along with 6% interest per annum within a stipulated period.

For Petitioner : M/s.D.Ramya

For Respondent : Mr.Gladson Michael Rajadurai



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ORDER

Heard M/s.D.Ramya, learned counsel appearing for the petitioner and Mr.Gladson Michael Rajadurai, learned Counsel appearing for the respondent.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against the respondent to pay the difference amount of his retirement benefits such as Gratuity and Leave Salary based on the wage settlement under Section 12(3) of the ID Act dated 04.01.2018 along with 6% interest per annum.

3. The petitioner was appointed as a Driver in the respondent Corporation on 01.05.1984 and thereafter he was promoted to the post of Driving Instructor and retired on 31.01.2017.

4. A settlement was entered into between the Union and the Management on 04.01.2018. But, it was made applicable with effect from 01.09.2016. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 04.01.2018. But his terminal



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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.

5. This stand of the petitioner cannot be disputed. I therefore, direct the respondent Corporation to pay the differential amount of his retirement benefits such as Gratuity and Leave Salary as per wage settlement, dated 04.01.2018. This amount shall be paid within a period of six weeks from the date of receipt of a copy of this order. The 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.

6. In view of the above, this Writ Petition is **allowed**. No costs.

02.07.2024

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



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R.N.MANJULA, J.

Nsr

To:

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