



W.P.(MD).No.14303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14303 of 2024

P.Chinnathambi

... Petitioner

Vs.

1.The General Manager

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Pudhukottai Region,
51/1, Pillai Thanneerpandal,
Thirumayam Road,
Pudhukottai.

2.The Administrator,

Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2.

... 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 petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 31.10.2012 till the date of realization of amount as per the settlement dated 22.01.2011 under



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Section 12(3) of ID Act 1947 with effect from 01.09.2010 payable to the petitioner with 18% rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier
For R-1 : Mr.K.Jagadees Balan
For R-2 : Mr.S.C.Herold Singh

ORDER

Heard Mr.G.M.Xavier, learned counsel for the petitioner, Mr.K.Jagadees Balan, learned counsel for the 1st respondent and Mr.S.C.Herold Singh, learned counsel for the 2nd respondent.

2. The petitioner has filed this petition for issuance of Writ of Mandamus, seeking direction against the respondents to settle the petitioner's retirement benefits including gratuity, commutation of pension, arrears of monthly pension from 31.10.2012 till the date of realization of amount as per the settlement dated 22.01.2011 under Section 12(3) of ID Act 1947 with effect from 01.09.2010 payable to the petitioner with 18% rate of interest.



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3. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner was appointed as a Conductor in the respondent Corporation on 15.08.1987 and thereafter he was promoted to the post of Checking Inspector and retired on 31.10.2012.

5. A settlement was entered into between the Union and the Management on 22.01.2011. But, it was made applicable with effect from 01.09.2010. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 22.01.2011. 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.

6. In view of the above stated reasons, this Writ Petition is **disposed of** with a direction to the respondent Corporation to pay the



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differential benefits in respect of Gratuity, commutation of pension, arrears of monthly pension as per wage settlement, dated 22.01.2011.

This amount shall be paid within a period of six weeks 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. No costs.

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

To:

- 1.The General Manager
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Pudhukottai Region,
51/1, Pillai Thanneerpandal,
Thirumayam Road,
Pudhukottai.
- 2.The Administrator,
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R.N.MANJULA, J.

Nsr

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