



W.P.(MD)No.15088 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15088 of 2024

M.Rethinam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary, Transport Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumabkonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirapalli District.

4.The Administrator,
The Tamil Nadu Transport Corporation,
Employees Pension Trust,
Thirualluvar Illam, Pallavan 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 herein to implement the 13th wage settlement (பார்வை.C1/036966/2017) signed under Section 12(3) of the I.D.Act dated 04.01.2018 and to re-calculate the retirement benefits of the



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petitioner such as difference amount of gratuity, leave salary, provident fund, commuted value of pension, revised pension for the period from 01.09.2016 to 30.06.2017 (date of retirement) pension arrears and other retirement benefits and to pay the same to the petitioner along with interest at the rate of 6% per annum within the time stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 : Mr.N.Ramesh Arumugam
Government Advocate
For R2 and R3 : Mr.K.Jagadees Balan
Standing Counsel
For R4 : Mr.S.C.Herold Singh

ORDER

Heard Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the first respondent, Mr.K.Jagadees Balan, learned Standing Counsel appearing for second and third respondents and Mr.S.C.Herold Singh, learned Counsel appearing for fourth respondent.

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, leave salary and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 04.01.2018 with revised pay matrix w.e.f. 01.09.2016 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 30.06.2017.

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 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 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 04.01.2018. 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

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(4/8)

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1. The Principal Secretary to the Government,
Finance Department, Fort St. George, Chennai-9.
2. The Principal Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9.
3. The Director of School Education,
Directorate of School Education,
DPI Complex College Road,
Chennai.
4. The Joint Director (Vocational),
Directorate of School Education,
DPI Complex College Road,
Chennai.



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R.N.MANJULA, J.

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