



WP(MD) No.15719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15719 of 2024

K.Mohandoss

... Petitioner

Vs.

1.The General Manager

The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
Nagercoil Region,
Kanniyakumari District.

2.The Administrator,

The Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

...Respondents



WP(MD) No.15719 of 2024

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 settle the petitioner's retirement benefits including Gratuity, Commutation of Pension, arrears of monthly pension from 30.04.2020 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12(3) of ID Act 1947 w.e.f., 01.09.2019 payable to the petitioner with 18% rate of interest.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr. D.Jebaraj – for R1

Standing Counsel

Mr.S.C.Herold Singh – for R2

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation of Pension, arrears of monthly pension from 30.04.2020 till the date of realization of amount as per the settlement dated 24.08.2022 under Section 12(3) of ID Act 1947 w.e.f., 01.09.2019 payable to the petitioner with 18% rate of interest.



WP(MD) No.15719 of 2024

WEB COPY

2. Heard Mr.G.M.Xavier, learned counsel for the petitioner , Mr. D.Jebaraj, learned Standing Counsel appearing for the first respondent and Mr. S.C.Herold Singh, learned Standing Counsel appearing for the second respondent.

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 “Special Grade Conductor” in the respondent Corporation. He reached the age of superannuation and retired from service on 30.04.2020.

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



WP(MD) No.15719 of 2024

but also the interest thereon.

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.

15.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

4/6



WP(MD) No.15719 of 2024

WEB COPY

To

- 1.The General Manager
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
Nagercoil Region,
Kanniyakumari District.
- 2.The Administrator,
The Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.



WEB COPY



WP(MD) No.15719 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.15719 of 2024

Dated:
15.07.2024