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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15790 of 2024

M.Ramesh ... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd.,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.

2.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 respondents to settle the difference in petitioner's terminal benefits namely gratuity, encashment of leave and all other attendant benefits if any based on the new wage settlement under Section 12(3) of ID Act, 1947 dated 24.08.2022 with revised pay matrix with effect from 01.09.2019 to on the date of the petitioner retirement (for the period from 01.09.2019 to 31.05.2022) payable to the petitioner with 6% rate of interest within the time that may be stipulated by this Court.

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For Petitioner : Mr.N.S.Ramakrishan Dass
For R1 : Mr.D.Jebaraj
Standing Counsel
For R2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

Heard Mr.N.S.Ramakrishan Dass, learned counsel appearing for the petitioner, Mr.D.Jebaraj, learned Standing Counsel for the first respondent and Mr.S.C.Herold Singh, learned Standing 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 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 with 6 % rate of interest.

3.The petitioner was employed as a Conductor in the respondent Corporation and retired from service on attaining the age of superannuation on 31.05.2022.

4.A settlement was entered into between the Union and the Management on 24.08.2022. But, it was made applicable with effect from

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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 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 24.08.2022. 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.

6.With the above direction, this writ petition stands disposed of. There shall be no order as to costs

15.07.2024
(2/2)

NCC:yes/no
Index:yes/no
Internet:yes/no
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2.The Administrator,
The Tamil Nadu Transport Corporation,
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Thirualluvar Illam, Pallavan Salai,
Chennai-2.

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R.N.MANJULA, J.

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