



W.P.(MD).No.16523 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.16523 of 2024

K.Sivasubramanian

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tvl) Limited,
23/2, Thoothukudi Road,
Kattabomman Nagar,
Tirunelveli District - 627 007.

2. The General Manager,
Tamil Nadu State Transport Corporation (Tvl) Limited,
Tirunelveli Region,
Tirunelveli District - 627 007.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

... Respondents

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 disburse the petitioner's difference amount of Salary, Gratuity, Surrender



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Leave, Pensions, Pensions Arrears and to revise Pensions on the basis of 12(3) settlement dated 04.01.2018 along with 6 % interest.

For Petitioner : Mr. K.Gokul
For Respondents : Mr.K.Ramaiah (R1,R2)
Mr.S.C.Herold Singh (R3)
Standing Counsels

ORDER

Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.K.Ramaiah, learned Standing Counsel appearing for R1,R2 and Mr.S.C.Herold Singh, learned Counsel appearing for R3.

2.The petitioner has filed this writ petition seeking to issue a direction to the respondents to disburse the petitioner's difference amount of Salary, Gratuity, Surrender Leave, Pensions, Pensions Arrears and to revise Pension on the basis of 12(3) settlement, dated 04.01.2018.

3.The petitioner was employed as a Conductor in the respondent Corporation and retired from service on attaining the age of superannuation on 31.07.2017.



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4.A settlement was entered into between the Union and the Management on 01.09.2016. But, it was made applicable with effect from 04.01.2018. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 01.09.2016. 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 first respondent Corporation to pay arrears of wages and differential benefits in respect of difference amount of Salary, Gratuity, Surrender Leave, Pensions, Pensions Arrears and to revise Pension as per wage settlement, dated 01.09.2016. 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.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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R.N.MANJULA, J.

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