



W.P.(MD)Nos.16762 & 16763 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.16762 & 16763 of 2024

T.Kandasamy	... Petitioner in WP(MD)No.16762 of 2024
V.Ramamoorthy	... Petitioner in WP(MD)No.16763 of 2024

VS.

- 1.Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road, Madurai – 625 016.
- 2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul Region,
Chettinayakkanpatt Post,
Dindigul – 624 005.
- 3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002. ... Respondents in both writ petitions



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Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle the Terminal Benefits amount payable to the petitioner such as difference in Gratuity, Leave Salary and Pension Amount of Rs.1,92,498/- and Rs.2,37,160/- respectively, in terms of 12(3) Settlement dated 24.08.2022 and all other attendant benefits together with interest at the rate of 12 percent per annum from 01.04.2020 to till the date of payment.

Appearance in both writ petitions:-

For Petitioner	:	Mr.A.K.Thangavelu
For Respondents	:	Mr.D.Jebaraj (R1 & R2)
		Standing Counsel
		S.C.Herold Singh (R3)

COMMON ORDER

Heard Mr.A.K.Thangavelu, learned counsel appearing for the petitioners, Mr.D.Jebaraj, learned Standing Counsel appearing for R1 and R2 and Mr.S.C.Herold Singh, learned Counsel appearing for R3.



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2. The petitioners have filed the petitions seeking to issue Writ of Mandamus, directing the respondents to settle the Terminal Benefits amount payable to the petitioners such as difference in Gratuity, Leave Salary and Pension Amount of Rs.1,92,498/- and Rs.2,37,160/- respectively in terms of 12(3) Settlement dated 24.08.2022 and all other attendant benefits together with interest at the rate of 12 percent per annum from 01.04.2020 to till the date of payment.

3. The petitioners were appointed as Conductors in the respondent Corporation on 24.11.1986 and 09.01.1987 and after getting promotion to various stages, they were finally holding the posts of Checking Inspector and Traffic Inspector and retired on 31.03.2020 and 31.07.2022 respectively.

4. 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 petitioners were also entitled to the benefit under the said settlement, dated 24.08.2022. But their terminal benefits



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were settled without any reference to the terms of the settlement. Therefore, the petitioners are entitled to not only the difference in benefits but also to the interest thereon.

5. This stand of the petitioners cannot be disputed. I therefore, direct the first respondent Corporation to pay arrears of wages and differential benefits in respect of Gratuity and Encashment of Leave 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 petitioners' retirement till the date of payment.

6. With the above observation, this Writ Petitions are disposed of. No costs.

25.07.2024

NCC: Yes/No
Index : Yes/No



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R.N.MANJULA, J.

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