



WP(MD) No.17069 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17069 of 2024

S.Abubacker

... Petitioner

Vs.

The Managing Director

Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,

23/2 Kattaboman Nagar,

Thirunelveli – 627 011.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the difference amount of petitioner's retirement benefits such as Gratuity and Leave Salary based on the wage settlement under Section 12(3) of the ID Act along with 6% interest per annum within a stipulated period.



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For Petitioner : M/s.D.Ramya

For Respondent : Mr. K.Ramaiah

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondent to pay the difference amount of petitioner's retirement benefits such as Gratuity and Leave Salary based on the wage settlement under Section 12(3) of the ID Act along with 6% interest per annum.

2. Heard M/s.D.Ramya, learned counsel for the petitioner and Mr. K.Ramaiah, learned Standing Counsel appearing for the 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 "Selection Grade Conductor" in the respondent Corporation. He retired from service on 31.08.2017.



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5. 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 reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits 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 04.01.2018.

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 04.01.2018 with interest at the rate of 6% per annum from the date of retirement till the date of disbursement within a period



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of eight (8) weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

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

To

1.The Managing Director
Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,
23/2 Kattaboman Nagar,
Thirunelveli – 627 011.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17069 of 2024
(1/6)

Dated:
26.07.2024