



W.P.(MD).No.19201 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 09.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.19201 of 2024

V.Packirisamy

... Petitioner

Vs.

1. The Additional Chief Secretary  
to Government of Tamil Nadu,  
Transport Department,  
Secretariat,  
Chennai -09.
2. The Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Represented by its Managing Director,  
Kumbakonam,
3. The General Manager,  
The Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam
4. The Administrator,  
The Tamil Nadu Transport Corporation,  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents



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**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 pay the difference amounts in the benefits in respect of Gratuity, Encashment of Earned Leave Salary, Commuted Value of pension and monthly pension with arrears from the date of retirement ie., 29.02.2020 to the petitioner as per the Wage Revision Settlement dated 24.08.2022 together with interest at 6% per annum for the differential payment to be computed from the date of his retirement till the date of payment within a time frame.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.A.Rahul                                    |
| For R1         | : Mr.S.Shaji Bino<br>Special Government Pleader |
| For R2 & R3    | : Mr.K.Jagedeesh Balan<br>Standing Counsel      |
| For R4         | : Mr.S.C.Herold Singh<br>Standing Counsel       |

### **ORDER**

The instant Writ Petition has been filed by a retired Special Grade Driver of the respondent Transport Corporation seeking to pay the difference amount in the benefits of Gratuity, Encashment of Earned Leave Salary, Commuted value of pension and monthly pension along with Dearness

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Allowance and with arrears from the date of retirement, as per the Wage Revision Settlement, dated 24.08.2022.

2. A batch of writ petitions had been filed, challenging the said Government letter by other employees of the Corporation in W.P(MD)No. 8910, 8972, 9009, 10208 & 11540 of 2024. This Court by an order dated 25.06.2024 after hearing both the parties, was pleased to allow the writ petition and has directed the authorities to pay the difference in the benefits.

Paragraph 9 and 10 of the order is extracted as follows:

*“9.As the pension has also been revised under the terms of the 14<sup>th</sup> wage revision settlement and Rule 15 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules, the last drawn basic salary shall be the salary to be taken for calculating pensions. As the last drawn salary has been revised in terms of the 14<sup>th</sup> wage revision settlement, the impugned letter cannot restrict the benefits. The respondents are directed to revise the monetary benefits and the difference in the revised pension which is payable from the date on which the revised monetary benefits were given to the working employees under the 14<sup>th</sup> wage revision settlement.*



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*10. Accordingly, these Writ Petitions are allowed to the extent indicated above by quashing the impugned letter, dated 17.02.2023 and the respondent Corporation is directed to pay the difference in the benefits in respect of Gratuity and Encashment of Leave salary, commuted value of pension and monthly pension with arrears from the date of retirement, as per wage settlement, dated 24.08.2022 along with dearness allowance. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondent Corporation has to make out 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. No costs. Consequently, connected Miscellaneous Petitions are closed.*

3. In view of the order of the learned Single Judge of the High Court, the present writ petition stands allowed and the authorities are directed to disburse the eligible benefits within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With the above said observations, this writ petition stands allowed.

No costs.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Additional Chief Secretary  
to Government of Tamil Nadu,  
Transport Department,  
Secretariat, Chennai -09.
2. The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Kumbakonam,
3. The General Manager,  
The Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Nagapattinam Region,  
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4. The Administrator,  
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**R.VIJAYAKUMAR,J.**

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