



W.P.(MD)No.17304 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17304 of 2024

S.Balasubramanian

... Petitioner

VS.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying 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 percentage interest per annum within a stipulated period.

For Petitioner : Ms.D.Ramya

For Respondent : Mr.K.Ramaiah



W.P.(MD)No.17304 of 2024

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ORDER

Heard Ms.D.Ramya, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Counsel appearing for Respondent.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus, directing the respondent to pay the difference amount of petitioners retirement benefits such as Gratuity and Leave Salary based on the wage settlement under section 12(3) of the ID Act along with 6 percentage interest per annum within a stipulated period.

3. The petitioner was appointed as a Conductor in the respondent Corporation on 01.11.1984 and after getting promotion to various stages, he was finally holding the post of Special Grade Conductor and retired on 31.01.2017.

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 petitioner was also entitled to the benefit



W.P.(MD)No.17304 of 2024

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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 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 petitioner's retirement till the date of payment.

6. With the above observation, this Writ Petition is disposed of.

No costs.

29.07.2024

NCC: Yes/No

Index : Yes/No



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W.P.(MD)No.17304 of 2024

R.N.MANJULA, J.

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To:-

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

W.P.(MD)No.17304 of 2024

29.07.2024