



W.P.(MD)No.17963 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17963 of 2024

S.Manthirammoorthy

... Petitioner

vs.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's difference amount of Gratuity, Surrender Leave, Pension Arrears and to revise pensions on the basis of 12(3) settlement dated 01.04.2018.



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For Petitioner : Mr.K.Gokul
For R1 & R2 : Mr.K.Ramiah
Standing Counsel
For R3 : Mr.S.C.Herold Singh

ORDER

Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.K.Ramiah, learned counsel appearing for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the third respondent.

2. The petitioner has filed this writ petition seeking to direct the respondents to disburse his difference in amounts of Gratuity, Surrender Leave, Pension Arrears and to revise his pension on the basis of 12(3) settlement dated 04.01.2018.

3. The petitioner was appointed as a Conductor in the respondent Corporation on 01.04.1985 and he retired from service as Checking Inspector on 31.12.2016.



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4. 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 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 respondents to pay arrears of wages and differential benefits in respect of Gratuity, Encashment of Leave and pension as per wage settlement, dated 04.01.2018. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondents have to make the differential payment with interest at the rate of 6% per annum to be computed from the date of wage settlement till the date of actual payment.



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

No costs.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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