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W.P.(MD)No.18437 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.18437 of 2024

A.Ganesan

... Petitioner

Vs.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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.

For Petitioner : Mr.D.Ramya

For Respondent : Mr.D.Jebaraj

Standing Counsel

ORDER

Heard Mr.D.Ramya, learned counsel appearing for the petitioner and Mr.D.Jebaraj, learned Standing Counsel appearing for the respondent.



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2.The petitioner has filed this writ petition seeking to issue a direction to the respondents to settle the difference in petitioner's terminal benefits namely gratuity, leave salary and all other attendant benefits if any based on the new wage settlement under section 12(3) of ID Act 1947, dated 04.01.2018 with revised pay matrix w.e.f. 01.09.2016.

3.The petitioner was employed as a Tradesman in the respondent Corporation and retired from service on attaining the age of superannuation on 30.04.2017.

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 respondent Corporation to pay arrears of wages and differential benefits in respect of gratuity, encashment of leave and all other attendant benefits as per wage settlement, dated 04.01.2018. This amount shall be paid within a period of



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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 direction, this writ petition stands disposed of.

There shall be no order as to costs

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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



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R.N.MANJULA, J.

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