



W.P.(MD)No.18597 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.18597 of 2024

K.Thavasubramanian

... Petitioner

Vs.

1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.

2.The Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd.,
Madurai Region, Madurai.

4.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Trust,
Thirulluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 along with Dearness



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allowance and with arrears from the date of retirement i.e., 30.06.2022 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 as may be fixed by this court.

For Petitioner : Mr.A.Rahul
For R1 : Mr.J.Ashok
Additional Government Pleader
For R2 and R3 : Mr.D.Jebaraj
Standing Counsel
For R4 : Mr.S.C.Herold Singh

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Governmetn Pleader for the first respondent, Mr.D.Jebaraj, learned Standing Counsel appearing for second and third resppondents and Mr.S.C.Herold Singh, learned Counsel appearing for fourth respondent.

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 24.08.2022 with revised pay matrix w.e.f. 01.09.2019 with 6 % rate of interest.



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3.The petitioner was employed as a Tradesman in the respondent Corporation and retired from service on attaining the age of superannuation on 30.06.2022.

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 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, encashment of leave and all other attendant benefits 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.



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6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs

02.08.2024
(1/2)

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-600 009.
2. The Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.
3. The General Manager,
Tamil Nadu State Transport Corporation,
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Madurai Region, Madurai.
4. The Administrator,
The Tamil Nadu Transport Corporation
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Thirualluvar Illam, Pallavan Salai,
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R.N.MANJULA, J.

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