



W.P.(MD).No.18955 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18955 of 2021

K.Nagarajan

... Petitioner

Vs

1. The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director, Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.
3. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai 2.

... Respondents

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 revise petitioner's pay as per the wage revision given under Settlement under Section 12(3) of the I.D Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to pay difference amounts in gratuity, leave salary and arrears in pension to him with interest at the rate of 6 percentage per annum payable from 01.05.2017 to till the date of actual payment within the time limit fixed by this Court.



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For Petitioner : Mr. Thangamani .C
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus directing the respondents to revise the petitioner's pay as per the wage revision given under Settlement under Section 12(3) of the I.D Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently directing the respondents to pay difference amounts in gratuity, leave salary and arrears in pension to him with interest at the rate of 6 % per annum payable from 01.05.2017 to till the date of actual payment within the time limit fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner retired as a Driving Instructor in the respondent corporation. He reached the age of superannuation on 30.04.2017.

4. Subsequently, a settlement was entered into between the Union and the Management on 04.01.2018. But it was made applicable with effect



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from 01.09.2016. Therefore, the petitioner was also entitled to the benefit under the said settlement, dated 04.01.2018. However, his terminal benefits were settled without reference to the terms of the settlement. Therefore, the petitioner is entitled to not only the difference in benefits but also interest thereon.

5. This stand of the petitioner cannot be disputed. I therefore direct the respondents corporation to pay differential benefits in respect of gratuity, leave salary and arrears in pension. This amount shall be paid within a period of six months from the date of receipt of a copy of this order. The respondents have to make the differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment.

6. Accordingly, this Writ Petition stands disposed of. No costs.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

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