



W.P.(MD).No.19041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19041 of 2024

K.Rajendran

... Petitioner

Vs.

1. The Additional Chief Secretary to Government of India,
Transport Department,
Secretariat,
Chennai – 09.
2. The Tamil Nadu Transport Corporation,
(Madurai) Limited,
Represented by its Managing Director,
Madurai.
3. The General Manager,
The Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Madurai Region,
Madurai.
4. The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illan,
Pallavan Salai,
Chennai – 02.

... Respondents



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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 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 Allowance and with arrears from the date of retirement i.e., 31.07.2022 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.S.Shanmugavel Additional Government Pleader
For R2 and R3	: Mr.K.Ramaiah Standing Counsel
For R4	: Mr.S.C.Herold Singh Standing Counsel

ORDER

The present Writ Petition has been filed by a Senior Grade Driver of the respondent Transport Corporation, who had attained superannuation on 31.07.2022.



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2. According to the learned counsel appearing for the writ petitioner, after the petitioner's retirement, his wages were retrospectively revised w.e.f. 01.09.2019 under Section 12(3) ID Act, in a settlement which was reached on 24.08.2022. Therefore, according to the learned counsel appearing for the petitioner, the terminal benefits including pension has to be revised and the difference in the amount is liable to be paid.

3. The learned counsel appearing for the petitioner has further contended that the Government by a letter dated 17.02.2023 has restricted payment of revised pension and the dearness allowance prospectively. This letter dated 17.02.2023 was challenged by the other employees in a batch of writ petitions in W.P.(MD) No.8910 of 2024 etc., batch. This Court, by order dated 25.06.2024 has quashed the said Government letter, dated 17.02.2023 and therefore, the petitioner is eligible for terminal benefits including pension from the date of his retirement along with Dearness Allowance. To the said effect, the petitioner had addressed a representation on 08.07.2024 to the respondents. Since there is no response, the present writ petition has been filed.



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4. Considering the above said facts and the order of this Court in W.P(MD) No.8910 of 2024 etc., batch, dated 25.06.2024, this Court directs the second respondent herein to confer the eligible benefits upon the writ petitioner including the revised pension and arrears of other terminal benefits from the date of retirement along with interest at the rate of 6% per annum from the due date till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs.

07.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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