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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20923 of 2024

R.Joshava Amalraj

... Petitioner

Vs.

The Management of
State Express Transport Corporation(Tamil Nadu) Limited,
Rep. by its Managing Director,
Pallavan Salai,
Chennai – 2.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to pay the petitioner the difference/arrears of wages for the period from 01.09.2019 to 29.02.2020 and also terminal benefits namely Gratuity and Encashment of Leave, after revising the same, based on the scale of pay payable to him on the month of his retirement, as admitted by the respondent in the RTI information dated 06.07.2024 together with 18% interest per annum, within a time frame.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Senthil Kumar
Standing Counsel

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ORDER

The instant writ petition has been filed by a Driving Instructor in the respondent transport corporation, who had attained superannuation on 29.02.2020.

2. According to the learned Counsel appearing for the writ petitioner, the management as well as the trade union have entered into the settlement under Section 12(3) of the Industrial Disputes Act on 24.08.2022 granting benefits w.e.f.01.09.2019. Therefore, the petitioner is also eligible to receive the said benefits, in view of the fact that the petitioner has retired only after 01.09.2019.

3. Seeking the said benefits, the petitioner has sent a representation to the respondents. Since there is no response, the present writ petition has been filed.

4. Considering the above said facts, the respondent is directed to disburse the eligible benefits arising out of 12(3) settlement to the writ petitioner along with 6% interest from the due date till the date of disbursement 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 disposed of.

No costs.

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

RJR

To

The Managing Director,
The Management of State Express Transport
Corporation(Tamil Nadu) Limited,
Pallavan Salai,
Chennai – 2.



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R.VIJAYAKUMAR, J.

RJR

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